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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 4, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of the Chief of Police to accept donation for the SFPD Mounted Unit of $200.00, from Maloney Security Inc.

12-30-11P01:00 RCVD

2. **Adoption of the Minutes** (ACTION)
   - For the meetings of October 12th, 19th, November 2nd, 16th, 30th, and December 7, 2011

3. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

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4. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

5. Discussion and possible action to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to retroactively accept and expend a $73,000 Boating Safety and Enforcement Grant from the California Department of Boating and Waterways to purchase equipment for the Marine Unit (ACTION)

6. Discussion and possible action to accept, reject or take other action on a proposed Stipulated Disposition of disciplinary charges filed against Assistant Patrol Special Officer Ernest Tachihara (File No. ALW C11-036), or discussion and possible action to sustain or not sustain those disciplinary and to decide penalty, if necessary (ACTION)

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REGULAR MEETING
WEDNESDAY, JANUARY 4, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Public comment on all matters pertaining to Item 9 below, Closed Session, including public comment on vote whether to hold Item 9 in closed session.

8. Vote on whether to hold closed session, including vote on whether to assert the attorney-client privilege with regard to Item 9(a) (San Francisco Administrative Code Section 67.10) (ACTION)

9. **Closed Session**
Roll Call;

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Timothy Hoyt v. CCSF, et al., U.S. District Court Case No. CV-10-01778, filed 5/4/10
   Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action.

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case Nos. 11-007 and 11-008) (DISCUSSION)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

10. Vote to elect whether to disclose any or all discussion on Item 9 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

11. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 4, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

(Commissioner Slaughter arrived at 7:30 p.m.)

Commander Tomioka introduced Inspector John Monroe who will be taking over for Captain Falvey as Commission Secretary.

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation for the SFPD Mounted Unit of $200.00, from Maloney Security Inc.**

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 5-0.

PUBLIC COMMENT
None

RESOLUTION 12-1

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR THE SFPD MOUNTED UNIT OF $200.00 FROM MALONEY SECURITY INC.

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for the SFPD Mounted Unit of $200.00 from Maloney Security Inc.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioner DeJesus, Slaughter

ADOPTION OF THE MINUTES

- **For the meetings of October 12th, 19th, November 2nd, 16th, 30th, and December 7, 2011**

Motion by Commissioner Kingsley, second by Commissioner Marshall to adopt the minutes. Approved 5-0.

PUBLIC COMMENT

Jeanette Berger discussed concerns regarding a problem with the Taraval Captain.

Emil Lawrence discussed concerns regarding actions by police officers and being accused of stealing a computer from the Panda Express. (Copy of letter to Captain Mannix and the Commission submitted) The letter to the Commission states: "January 4, 2011, Chief of Police Police Commission Room 400, City Hall San Francisco, CA 94103 COP & Police Commissioners: SUBJECT: Arrest & and Notice to Appear to SFPD Report 116163855 & Notice to Appear Citation 012234655,and my letter of 01/02/12 to Captain Anne Mannix of the Northern Police Station related to SFPD Badges 127, 804, & 2260 This letter is to be entered into the minutes of this Commission, based on the Sunshine Ordinance and Brown Act. As a resident of this City, I am letting the Commission know that as the facts now stand in this stated incident with the three designated SFPD officers, on the above date, and my claims to their violations law and abuse of State given privileges as officers of the law (badges 127, 804 & 2260) that no citizen of this state or nation should have to go through what I went through, when I gave into their wishes to handcuff me and detain me. Their handling of my detainment was an abuse of power, an authority that they were given, with my consent, to comply with their wishes without any hostility on my part.

Based on my own convictions about the Office of Citizens Complaints, in investigating specific SFPD officer complaints, I am not going to wait for a "failed to

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sustain he charges" verdict based on their inability to properly investigate specific police abuse. The office has yet to produce a list requested by me, on multiple occasions, related to SFPD police officers that have multiple OCC complaints filed. Sincerely Emil Lawrence MBA 660 Westfield Road Units 281-287 San Francisco, CA 94128"

Clyde discussed concerns regarding handling of two different officer-involved shootings.

Maria Bailey, Tenderloin resident, commended officers for taking down criminals. (copy of newspaper article & letter submitted)

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- Review of recent activities

Chief Suhr talked about recent activities and events for the holiday season and reported on drunk driving arrests made during the holidays. The Chief then gave a brief update on crime statistics. The Chief also reported on a recent suicide behind the Hall of Justice this evening.

b. OCC Director's Report

- Review of recent activities

Director Hicks introduced new OCC Investigator Andrea McKuen. Director Hicks then went on to update the Commission on complaint statistics and mediations.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Commissioner Mazzucco talked about recent events attended by the Commission which included a Promotional Ceremony and a Medal of Valor Ceremony honoring Officers Kimberly Koltzoff, Christina Hayes, Charles August, and Rodney Lane. Commissioner Mazzucco also talked about a meeting with Mayor Lee to talk about the budget, a press conference regarding an officer-involved shooting, and attending the Officer Bryan Tuvera memorial.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Preliminary budget discussion in February.

PUBLIC COMMENT

Emil Lawrence discussed concerns about accountability by the Mounted Unit in regards to funds given to them 15 years ago.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A $73,000 BOATING SAFETY AND ENFORCEMENT GRANT FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS TO PURCHASE EQUIPMENT FOR THE MARINE UNIT

Sergeant Matthews presented the $73,000 Boating Safety and Enforcement Grant from the California Department of Boating and Waterways to purchase equipment for the Marine Unit.

PUBLIC COMMENT

None

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

RESOLUTION NO. 12-2

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A $73,000 BOATING SAFETY AND ENFORCEMENT GRANT FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS TO PURCHASE EQUIPMENT FOR THE MARINE UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend a $73,000 Boating Safety and Enforcement Grant from the California Department of Boating and Waterways to purchase equipment for the Marine Unit.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioner DeJesus, Slaughter

DISCUSSION AND POSSIBLE ACTION TO ACCEPT, REJECT OR TAKE OTHER ACTION ON A PROPOSED STIPULATED DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036), OR DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN THOSE DISCIPLILNARY CHARGES AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Assistant Patrol Special Tachihara was present and represented himself.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

PUBLIC COMMENT
None

HEARING OF ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA, STAR NO. 2511 (FILE NO. ALW C11-036)

The hearing of Assistant Patrol Special Officer Ernest Tachihara, Star No. 2511, was called it having been set for this date. Assistant Patrol Special Officer Tachihara was charged, in a properly verified complaint by Acting Chief Jeffrey Godown, former Acting Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Modifying a Duty Vehicle By Adding Additional Emergency Lighting (a violation of Rule 5.07(B) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 2
Engaging in a Vehicle Pursuit (a violation of Rule 5.04 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 3
Effecting a Traffic Stop (a violation of Rule 5.02 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 4
Failure to Follow the Proper Procedures for Reporting On and Off Duty (a violation of Rule 4.25 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 5
Willfully and Knowingly Being Evasive During an Internal Affairs Division Interview (a violation of Rule 4.04 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants).

SPECIFICATION NO. 6
Engaging in Conduct Unbecoming a Member of the Patrol Specials (a violation of Rule 4.20 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Assistant Patrol Special Officer Ernest Tachihara appeared in person and represented himself.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 12-3

DECISION – HEARING OF ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036)

WHEREAS, on February 2, 2011, Acting Chief Jeffrey Godown, former Acting Chief of Police of the San Francisco Police Department, made and served charges against Assistant Patrol Special Officer Ernest Tachihara, as follows:

GENERAL ALLEGATIONS

(1) At all times herein mentioned Ernest Tachihara, Star Number 2511, (hereinafter referred to as the "Accused") was and is an Assistant Patrol Special. The accused patrols a beat located in the Northern District.

(2) An Assistant Patrol Special is defined as "A private patrol person approved and appointed by the Police Commission and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employers beat." An Assistant Patrol Special is not the owner of a beat.

(3) Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco. An Assistant Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. (See the Interim Rules and Procedures for Patrol Special Officers and their Assistants, Adopted by the San Francisco Police Commission, December 10, 2008).

(4) Encompassed in those rules is the directive that Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments. (See Rule 3.12(A) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants.)

SPECIFICATION NO. 1
Modifying a Duty Vehicle By Adding Additional Emergency Lighting (a violation of Rule 5.07(B) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants).

(5) The allegations incorporated in paragraphs (1) through (4) are incorporated by reference as though fully set forth herein.

(6) On or about December 11, 2010, Sgt. Edward Anzore, Star Number 2086 was on routine patrol in the Central District when he saw the accused driving his personally owned Ford Crown Victoria. Sgt. Anzore could clearly see that the car was equipped with an illuminating solid red forward facing light.

(7) According to Sgt. Anzore, the accused was driving at fast pace and when the accused approached his patrol car, he turned off the illuminating red light.

(8) Sgt. Anzore allowed the accused to pas shim and then directed the accused to pull over.

(9) Sgt. Anzore approached the accused and asked him why he was driving with an illuminating light in his car. The accused stated that he was responding to an officer's call for assistance. Sgt. Anzore informed the accused that there were no calls for service at that time. The accused then acknowledged that he knew it was a violation of the Interim Rules and Procedures for Patrol Specials and their Assistants to have any emergency lighting in their vehicles.

(10) The accused, by knowingly modifying his duty vehicle by adding an illuminating red emergency light, engaged in conduct that reflects discredit upon the Department in violation of Rule 5.07(B) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 5.07(B) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants, states:

"Rule 5.07(B). VEHICLE MODIFICATION. Patrol Specials and Assistant Patrol Specials shall not alter any duty vehicle in any way to allow it to be mistaken for an official law enforcement vehicle, and:

(B) Shall not equip any duty vehicle with any additional emergency lighting equipment or any siren."

SPECIFICATION NO. 2
Engaging in a Vehicle Pursuit (a violation of Rule 5.04 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(11) The allegations incorporated in paragraphs (1) through (10) are incorporated by reference as though fully set forth herein.

(12) On or about December 21, 2010, Sgt. Alex Takaoka, Star Number 1260, prepared a memorandum to his commanding officer regarding the accused observed conduct on December 20, 2010.

(13) On December 20, 2010, at 2220 hours, the accused was on duty, in uniform and in his personal vehicle travelling east bound on Clay Street approaching Powell. According to the memorandum, the accused was in the Central District to take his meal break.

(14) The accused saw a black Range Rover on Clay Street heading west bound from Powell. Clay Street is one street for east bound traffic. The Range Rover had to quickly turn to avoid colliding "head on" with the accused. The Range Rover continued west bound on Clay Street.

(15) The accused felt the driver posed a public safety hazard and decided to pursue the vehicle. The accused followed the driver of the black Range Rover the wrong way (west bound) on Clay Street and then followed the Range Rover the wrong way (south bound) on Mason Street. The accused followed the Range Rover for approximately five blocks.

(16) At the intersection of Clay Street and Taylor, the accused activated the spot light on his vehicle and shinned it into the Range Rover. The Range Rover pulled over and stopped on Clay, just east of Taylor.

(17) The accused contacted the driver, identified himself as an SFPD Patrol Special Officer, and then ordered the driver to turn off the vehicle and throw the keys out of the window. The driver complied. The accused then ordered the driver and two passengers out of the vehicle. The accused "pat searched" the driver for his safety. At this time, the driver stated that he was "drunk" and the accused radioed dispatch for assistance from an SFPD Unit.

(18) When questioned about his conduct, the accused stated that he was acting to protect the public and felt that flashing his spot light at the driver's vehicle did not constitute a traffic stop. However, the driver of the car responded to the flashing lights and pulled over.

(19) The accused, by conducting a vehicle pursuit, engaged in conduct that reflects discredit upon the Department in violation of Rule 5.04 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 5.04 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, states:

"Rule 5.04. Vehicle Pursuits. Patrol Specials and Assistant Patrol Specials shall not operate their vehicle in other than a safe and defensive manner, complying fully with the California Vehicle Code. Patrol Specials and Assistant Patrol Specials shall not engage in vehicular pursuits."

SPECIFICATION NO. 3
Effecting a Traffic Stop (a violation of Rule 5.02 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(20) The allegations incorporated in paragraphs (1) through (19) are incorporated by reference as though fully set forth herein.

(21) The accused, after beginning his pursuit of the driver of the Range Rover, also activated his spot light and shinned it into the vehicle's rear window in an effort to get the driver to pull over. The driver responded to the light and pulled over.

(22) The accused, by affecting a traffic stop, engaged in conduct that reflects discredit upon the Department in violation of Rule 5.02 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 5.02 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, states:

"Rule 5.02. TRAFFIC STOPS. Patrol Specials and Assistant Patrol Specials shall not make traffic stops."

SPECIFICATION NO. 4
Failure to Follow the Proper Procedures for Reporting On and Off Duty (a violation of Rule 4.25 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(23) The allegations incorporated in paragraphs (1) through (22) are incorporated by reference as though fully set forth herein.

(24) As part of his investigation, Sgt. Nate Steger of the Internal Affairs Division made two visits to Northern Station in attempt to inspect the accused's vehicle. On December 29, 2010, Sgt. Steger arrived at 1745 hours and inspected the Patrol Special sign-in log. The most recent log page was dated December 28, 2010 and the last entry was made by Patrol Special Byard at 19:30 hours. Sgt. Steger noted that the accused normally signed in at 1800 hours. By 1850, the accused had not arrived and Sgt. Steger left.

(25) Sgt. Steger returned to Northern Station on December 30, 2010 and checked the log book once again. The log showed that Patrol Special Byard made an entry on December 29, 2010 at 19:30 hours. Sgt. Steger noticed that the accused had signed the book on December 29, 2010 at 1930 hours. He also noted that the accused had made two entries after Patrol Special Officer Byard's entry. One was dated December 28, 2010 at 1800 hours and the other was dated December 29, 2010 at 1800 hours.

(26) When questioned about the failure to sign in on the correct date and at the correct time, the accused stated that he actually starts his shift when he leaves his home and not when he signs the log. The accused stated that he did not sign in on December 28, 2010 because he became involved in an incident near Ellis Street involving some "crazy person." A record check of calls for service in the

Central, Tenderloin, and Northern Districts between 1600 hours and 1900 hours on December 28, 2010 did not reveal any "800" calls that matched the description and time frame given by the accused.

(27) The accused, by failing to follow the proper procedures for reporting on and off duty, engaged in conduct that reflects discredit upon the Department in violation of Rule 4.25 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 4.25 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, states:

"4.25. PROCEDURES FOR REPORTING ON AND OFF DUTY.
Each day they work their beat(s), all Patrol Specials and Assistants shall report on and off duty in person to the Platoon Commander of the district to which they are primarily designated and sign in and out of the log book. If they are scheduled to work multiple beats in multiple districts during the same shifts, they shall minimally notify the station keeper(s) of the other affected district(s) that they are on duty after making the initial notification in their primary district."

SPECIFICATION NO. 5
Willfully and Knowingly Being Evasive During an Internal Affairs Division Interview (a violation of Rule 4.04 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants).

(28) The allegations incorporated in paragraphs (1) through (27) are incorporated by reference as though fully set forth herein.

(29) During his contact with Sgt. Anzore, the accused was questioned about the red emergency light that had been added to his vehicle. In his statement to Sgt. Anzore, which Sgt. Anzore noted in his memorandum to his Commanding Officer, the accused stated that he used the vehicle for part time work with the U.S. Marshall's Service.

(30) On January 12, 2011, Sgt. Nate Steger, from IAD, interviewed the accused regarding his conduct. During this interview the accused denied that he told Sgt. Anzore that he also worked for the U.S. Marshall's Service. Despite this denial, the accused did admit that he has told people in the past that he is associated with the U.S. Marshall's Service and the Metropolitan Police Department of Washington D.C.

(31) Sgt. Steger repeatedly asked the accused about his service in each agency and the accused responded with vague and non-responsive answers. The accused was asked about his length of service for each agency and the accused responded by saying, "It's in my background folder." The accused also failed to answer questions regarding his alleged retirement from these agencies.

(32) Sgt. Steger described the accused as untruthful, evasive, and or inconsistent when answering several of his questions. The accused, by willfully and knowingly being evasive during his interview with IAD, violated Rule 4.04 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 4.04 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, states:

"4.04. INVESTIGATIONS. Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion."

SPECIFICATION NO. 6

Engaging in Conduct Unbecoming a Member of the Patrol Specials (a violation of Rule 4.20 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

(33) The allegations incorporated in paragraphs (1) through (32) are incorporated by reference as though fully set forth herein.

(34) The accused, by modifying his duty vehicle, by engaging in a traffic pursuit and affecting a traffic stop, and by failing to follow proper procedures regarding the sign-in log, engaged in conduct unbecoming an Assistant Patrol Special Officer. His actions brought discredit to the Department in violation of Rule 4.20 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 4.20 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, states:

"4.20. CONDUCT. Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a beach of peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (though such offense are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth."

PENALTIES:

(35) If the Specifications are sustained after trial by the Police Commission, the Department will recommend that the Commission revoke the accused's appointment.

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on June 21, 2011, October 17, 2011, December 7, 2011, and on January 4, 2012, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission decided the following:

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

SPECIFICATION NO. 2 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

SPECIFICATION NO. 3 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

SPECIFICATION NO. 4 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Turman
NAYS: Commissioner Kingsley
ABSENT: Commissioners DeJesus, Slaughter

SPECIFICATION NO. 5 - Not Sustained

AYES: Commissioners Mazzucco, Marshall, Kingsley
NAYS: Commissioners Chan, Turman
ABSENT: Commissioners DeJesus, Slaughter

SPECIFICATION NO. 6 - Sustained

AYES: Commissioners Mazzucco, Marshall, Kingsley, Turman
NAYS: Commissioner Chan
ABSENT: Commissioners DeJesus, Slaughter

RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the Patrol Special Officer Program, the Police Commission orders that Assistant Patrol Special Officer Ernest Tachihara be suspended from the Patrol Special Program without compensation for thirty (30) calendar days. The suspension shall commence on Wednesday, February 15, 2012, at 0001 hours, and end on Thursday, March 15, 2012, at 2400 hours. Assistant Patrol Special Officer Tachihara shall not perform or provide any Patrol Special Officer Program services, directly or indirectly, during the period of suspension. Assistant Patrol Special Officer Tachihara shall not receive paid leave or any other form of compensation or payment for any work performed or provided under the Patrol Special Officer Program, directly or indirectly, for the period of suspension. The Commission further orders Assistant Patrol Special Officer Ernest Tachihara receive a two hour retraining arranged by the Department on the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, and shall answer a 10-question test on those Rules and Procedures. Assistant Patrol Special Officer Tachihara shall complete that training by March 15, 2012.

(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR, Roomian & Associates)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (7:15 p.m. – 8:00 p.m.)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case Nos. 11-007 and 11-008)
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Lt. Yick, Sgt. Nevin, Sgt. Juarez, Sgt. Frankel)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Timothy Hoyt v. CCSF, et al., U.S. District Court Case No. CV-10-01778, filed 5/4/10; Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action.
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Lieutenant Falvey, Risa Tom)

Motion by Commissioner Mazzucco, second by Commissioner Kingsley. Approved 6-0.

RESOLUTION NO. 12-4

TIMOTHY HOYT v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Timothy Hoyt v. City and County of San Francisco, et al.," in U.S. District Court, Case No. CV1001778 RS, be, and the same is hereby approved.

Date of Incident: January 3, 2010

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in honor of Lieutenant Falvey and his promotion to Captain, second by Commissioner Chan. Approved 6-0

Thereafter, the meeting was adjourned at 8:00 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 11, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Preliminary discussion regarding SFPD's 2012-2013 budget
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Preliminary discussion regarding OCC's 2012-2013 budget
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

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3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in Closed Session (ACTION)

01-06-12P03:31 RCVD

5. **Closed Session**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Motion to Dismiss filed in case nos. KMO D08-013 and JWF C08-014 (ACTION)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 11, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 11, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter
ABSENT: Commissioner Turman

(Commissioner Marshall arrived at 5:40 p.m.)

PUBLIC COMMENT

Ace Washington announced that he will be putting together a reality show at City Hall and discussed concerns about being assaulted and asked the Chief to do a full investigation against the Mayor's security.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Preliminary discussion regarding SFPD's 2012-2013 budget**

Chief Suhr reported briefly on crime statistics. The Chief also updated the Commission regarding recent events that happened in the past weeks.

Captain Goldberg presented the preliminary update of the Department's 2012-2013 budget. Captain Goldberg also introduced Carolyn Welch the new Department's budget manager.

b. **OCC Director's Report**
- **Review of recent activities**
- **Preliminary discussion regarding OCC's 2012-2013 budget**

Director Hicks presented the preliminary update of the OCC's 2012-2013 budget.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported about attending the inauguration of Mayor Lee.

Commissioner Chan talked about attending the lecture of Dr. Kevin Gilmartin and recommends that officers attend the lecture.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Commissioner Kingsley asked that the priority resolution be scheduled for next week.

Commissioner Slaughter also asked that a resolution for three meetings per month be on the agenda next week.

PUBLIC COMMENT

Paulette Brown discussed the homicide of her son Aubrey Abrkana and asked for help to find the suspects who did this to her son and asked that there be a permanent place to put up the posters.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

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VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (7:00 p.m. – 8:06 p.m.)

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Motion to Dismiss filed in case nos. KMO D08-013 and JWF C08-014
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Reilly, Inspector Monroe, Risa Tom, Chief Suhr, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Attorney Fortes, Attorney Stiglich, Mr. Steve Johnson) Resolution No. 12-5

(These proceedings were taken in shorthand form by Ms. Dawn Sandler, CSR., Roomian & Associates)

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Reilly, Inspector Monroe, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Kingsley for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Chan. Approved 6-0

Thereafter, the meeting was adjourned at 8:10 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

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CITY AND COUNTY OF SAN FRANCISCO

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R. JAMES SLAUGHTER
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L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

01-13-12P01:14 RCVD

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 4th Quarter 2011
   - SFPD/OCC's 4th Quarter Status Report on General Orders/Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 4th Quarter 2011 FDRB Findings & Recommendations
      - Presentation of the OIS Investigative Summary
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's Monthly Comprehensive Statistical Reports and Companion Reports for November & December 2011 and November & December 2010, and Adjudication of Sustained Reports for November & December 2011
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion regarding proposed amendment of the San Francisco Police Commission Rules of Order to modify the Commission's Regular Meeting Schedule (Rule 2.4) and to make nonsubstantive clean-up changes (DISCUSSION)
   (**Note: This item will be on the Police Commission agenda for action on January 25, 2012)*

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

5. Discussion regarding proposed San Francisco Police Commission Resolution establishing required submissions and reports and scheduling recurring reports (DISCUSSION)

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

8. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No RMW C08-110. Member involved retired from the Department, effective close of business January 5, 2012. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C12-009 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

January 18, 2012 (Notice of Cancellation of Meeting)

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, January 18, 2012

NOTICE OF CANCELLATION OF MEETING

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

The Police Commission Meeting scheduled for Wednesday, January 18, 2012, has been cancelled due to lack of a quorum.

Please join the Commission at its next meeting on Wednesday, January 25, 2012, at 5:30 p.m., in Room 400, City Hall.

Contact SFGov Accessibility Policies

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The Police Commission

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R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 25, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

01-20-12P12:57 RCVD

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 4th Quarter 2011
   - SFPD/OCC's 4th Quarter Status Report on General Orders/Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

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   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 4th Quarter 2011 FDRB Findings & Recommendations
      - Presentation of the OIS Investigative Summary
      - Presentation of the Controller's Office review of Compstat
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
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   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action regarding proposed amendment of the San Francisco Police Commission Rules of Order to modify the Commission's Regular Meeting Schedule (Rule 2.4) and to make nonsubstantive clean-up changes (ACTION)

The Police Commission

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Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 25, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Discussion regarding proposed San Francisco Police Commission Resolution establishing required submissions and reports and scheduling recurring reports (DISCUSSION)

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

8. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No RMW C08-110. Member involved retired from the Department, effective close of business January 5, 2012. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C12-009 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
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JANUARY 25, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

CONSENT CALENDAR
- **Police Commission Report of Disciplinary Actions, 4th Quarter 2011**
- **SFPD/OCC's 4th Quarter Status Report on General Orders/Policy Proposals**

PUBLIC COMMENT

Ace Washington asked the Chief to look into over reaction by officers and invited the Chief and the Commission to attend the New District 5 Meet & Confer meeting.

PUBLIC COMMENT

Emile Lawrence handed the Commission copies (ETC. magazines submitted) regarding the Chief's interview and discussed concerns regarding officers with multiple complaints against them.

Ace Washington sang his comments and discussed concerns about conspiracies against him.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Presentation of the 4th Quarter 2011 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigative Summary**
- **Presentation of the Controller's Office review of Compstat**

Chief Suhr reported briefly on current events happening with the Department. The Chief also talked about meeting with the POA in regards to the development of a Career Development DGO. The Chief also gave a brief update on crime statistics. Chief Suhr reported on events and incidents during the past week in regards to Occupy demos and the 49er game.

Sergeant Nevin and Sergeant Franco presented the 4th Quarter 2011 FDRB Findings & Recommendations and the OIS Investigative Summary.

Heather McDonald, Controller's Office, presented the findings and recommendations by the Controller's Office in regards to the Compstat review requested by the Chief.

Director Susan Giffin presented the Crime Data Warehouse Highlights of the report.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Monthly Comprehensive Statistical Reports and Companion Reports for November & December 2011 and November & December 2010, and Adjudication of Sustained Reports for November & December**

Director Hicks reported briefly on adjudication of cases and mediations.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported that the Commission has reached a single digit in the number of disciplinary cases.

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Commissioner Turman reported on a meeting with Supervisor Campos on strategies for youth to talk about police interaction with youth.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Kingsley would like DGO 5.17 agendized and asked that scheduling of district meetings be discussed next week.

PUBLIC COMMENT

Emile Lawrence discussed concerns about Compstat and discussed concerns about bringing in someone from Oracle to access programs.

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENT OF THE SAN FRANCISCO POLICE COMMISSION RULES OF ORDER TO MODIFY THE COMMISSION'S REGULAR MEETING SCHEDULE (RULE 2.4) AND TO MAKE NONSUBSTANTIVE CLEAN UP CHANGES

Commissioner Slaughter presented the proposed amendment of the San Francisco Police Commission Rules of Order to modify the Commission's regular meeting schedule (Rule 2.4).

Commissioner Mazzucco suggested that the next five months, the Commission will not meet on the 2nd Wednesday of the month, as a trial period, and will revisit this proposed amendment in June or July.

PUBLIC COMMENT

Emile Lawrence discussed some concerns in changing the meeting schedule and discussed concerns about how communities do not show up and suggested that the commission should also limit their speaking time to three minutes each to speed up the meeting.

DISCUSSION REGARDING PROPOSED SAN FRANCISCO POLICE COMMISSION RESOLUTION ESTABLISHING REQUIRED SUBMISSIONS AND REPORTS AND SCHEDULING RECURRING REPORTS

Commissioner Kingsley presented the proposed resolution establishing required submissions and reports and scheduling of recurring reports.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (8:05 p.m. to 8:14 p.m.)

PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. RMW C08-110. Member involved retired from the Department, effective close of business January 5, 2012 Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Reilly, Inspector Monroe, Risa Tom, Chief Suhr, Captain McEachern, Director Hicks, Attorney Fraenkel, Mr. Steve Johnson)
Resolution No. 12-6, taken off calendar.

PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C12-009 to a Commission for taking of evidence on a date to be determined by the Commissioner
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Reilly, Inspector Monroe, Risa Tom, Chief Suhr, Captain McEachern, Mr. Steve Johnson)
Resolution No. 12-7, assigned to Commissioner Slaughter.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Reilly, Inspector Monroe, Risa Tom, Chief Suhr, Captain McEachern)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0

Thereafter, the meeting was adjourned at 8:15 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

FEBRUARY 1, 2012 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus
(Commissioner Slaughter arrived at 5:53 p.m.)

CONSENT CALENDAR

- **Request of the Chief of Police for approval to accept a $4,000.00 donation from the Supporters of SFPD Wilderness Program for use by the Wilderness Program**

PUBLIC COMMENT

Jakkee Bryson advised the Commission to take the money.

Motion by Commissioner Kingsley, second by Commissioner Turman. Approved 5-0.

RESOLUTION 12-8

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR THE WILDERNESS PROGRAM OF $4,000.00 FROM THE SUPPORTERS OF SFPD WILDERNESS PROGRAM

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for the Wilderness Program of $4,000.00 from the Supporters of SFPD Wilderness Program.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioner DeJesus, Slaughter

PUBLIC COMMENT

Jakkee Bryson thanked the Department for rounding up the out-of-state felons and thanked Chief Suhr for his new administration and commented on Occupy.

Tom Silhorst discussed an article regarding the US Attorney investigating the police and discussed concerns regarding the patrol special program.

Clyde discussed Bill Bratton and talked about seeing Deputy Chief Cashman on 6th Street and commended the department for solving a cold case.

Maria Bailey discussed the budget and talked about attending the Tenderloin District meeting (submitted documents).

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- **Review of recent activities**
- **Fiscal Year 2012-2013 budget update**

Deputy Chief Cashman gave a brief update on crime statistics. Chief Cashman also talked about recent crime reduction efforts by the Department. Deputy Chief Cashman also talked about press conference with the Mayor announcing that the 6th Street Substation is going to happen.

Captain Goldberg presented the Department's fiscal year 2012-2013 budget update.

b. OCC Director's Report
- **Review of recent activities**
- **Fiscal Year 2012-2013 budget update**
- **Presentation of the 2011 First Amendment Compliance Audit of SFPD Records pursuant to DGO 8.10**

Director Hicks gave a brief update on cases opened and closed and talked about mediation. Director Hicks also talked about training.

Director Hicks went on to present the OCC's fiscal year 2012-2013 budget update.

Director Hicks presented the 2011 First Amendment Compliance Audit of SFPD Records pursuant to DGO 8.10.

Commissioner Mazzucco suggested rotating the approval of the audit every three months with different commissioners. First up would be Commissioner Slaughter, then Commissioner Chan, Commissioner Turman and then Commissioner Kingsley.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Turman reported on attending Dr. Fridell's training regarding biased policing.

d. **Commission Announcements**
- **Discussion and possible action to schedule items identified for consideration at future Commission meetings**
- **Discussion and possible action to set the locations of future District Commission Meetings**

Inspector Monroe announced that there will be no meeting on February 8th.

Commissioner Mazzucco announced that the district meeting will be in the Park and will be on the 29th of February.

Commissioner Mazzucco also talked about a joint meeting with the Youth Commission. Commissioner Mazzucco stated that he talked with Commissioner Campos to moderate the meeting.

Commissioner Mazzucco announced that Commissioner Turman will be honored for his service to the community on February 14th.

PUBLIC COMMENT

Clyde talked about the budget and the Drop Program.
Emile Lawrence talked about expanding the special police to help with staffing and the budget and went on to talk about concerns regarding the OCC.
Maria Bailey commented of having more police and stated that public safety is an issue and made some suggestions to address issues of crime.

UPDATE REGARDING IMPLEMENTATION OF DGO 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

Officer Henry Ha presented the Department's update regarding implementation of DGO 5.20, "Language Access Services for Limited English Proficient (LEP) Persons."

Beverly Upton, San Francisco Domestic Violence Consortium, thanked Officer Ha for his proactiveness and his leadership.

Jill talked about an interaction with a limited English individual's request for a police report in regards to domestic violence and stated that the individual did not have a good experience at two police stations. She discussed concerns that no interpreters were provided.

Heidi Lee stated that they are excited that the Commission is really looking at the recommendations by the OCC and asked that timelines be set for implementation of the recommendations.

Samara Marion, OCC, made some recommendations to address issues of language access.

PUBLIC COMMENT

Emile Lawrence discussed concerns about officers translating.
Maria Bailey spoke in regards to speaking English.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Turman. Approved 6-0

Thereafter, the meeting was adjourned at 7:15 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 1, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of the Chief of Police for approval to accept a $4,000.00 donation from the Supporters of SFPD Wilderness Program for use by the Wilderness Program

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

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3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Fiscal Year 2011-2012 budget update
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Fiscal Year 2011-2012 budget update
      - Presentation of the 2011 First Amendment Compliance Audit of SFPD Records pursuant to DGO 8.10
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements (ACTION)
      - Discussion and possible action to schedule items identified for consideration at future Commission meetings
      - Discussion and possible action to set the locations of future District Commission Meetings

4. Update regarding implementation of DGO 5.20, "Language Access Services for Limited English Proficient (LEP) Persons" (DISCUSSION)

5. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, February 8, 2012.**
Please join the Commission at its next meeting on

Wednesday, February 15, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
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L. JULIUS TURMAN
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Pledge of Allegiance; Roll Call

1. **General Public Comment**
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2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Presentation regarding the Special Victims Unit
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Report and discussion regarding the SFPD's 2012-2013/2013-2014 budget, possible action to approve or take other action on the budget (DISCUSSION & POSSIBLE ACTION)

4. Report and discussion regarding the OCC's 2012-2013/2013-2014 budget, possible action to approve or take other action on the budget (DISCUSSION & POSSIBLE ACTION)

5. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Park District at Grattan Elementary School, 165 Grattan Street, San Francisco, on Wednesday, February 29, 2012, at 6 p.m., to hear comments from the public and Park Station Captain John Feeney concerning public protection issues in the Park District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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FEBRUARY 15, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

Commissioner Mazzucco announced that the budget items will be taken off calendar.

PUBLIC COMMENT

Emile Lawrence talked about a report recommending that the OCC be separated from the Police Department. He also showed photographs of injuries he received (document submitted).

Clyde discussed concerns.

Robert Gee, Miraloma Park Improvement Committee, spoke in regards to reduced police department staffing and urged the Commission to support Chief Suhr's budget for more staffing.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Presentation regarding the Special Victims Unit**

Chief Suhr gave a brief report on crime statistics and recent homicides. The Chief also talked about recent events that happened around the city.

Chief Suhr introduced Sgt. Andraychak and Officer Esparza to talk about and present the "It Gets Better Video."

The Commissioners expressed their gratitude to the officers who participated in this video and commended the Chief and the officers for doing the video.

Deputy Chief Dudley talked about the Preliminary Alcohol Screening (PAS) device used in traffic stops. Sergeant Yamaguchi further talked about the procedures taken during a traffic stop involving a DUI investigation and the use of the PAS device.

Captain Parra presented the Special Victims Unit presentation.

Commissioner Turman would like to see the Captain back within a year to report back to the Commission.

b. **OCC Director's Report**
- **Review of recent activities**

Ms. Ines Fraenkel, for Director Hicks, has no report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported regarding a 9th Circuit Court of Appeals Opinion and stated that the Commission and the Chief is looking at this opinion.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Inspector Monroe announced that the Commission will meet in the Park District at Grattan Elementary School on the 29th of February and will have a joint meeting with the Youth Commission on March 7th.

PUBLIC COMMENT

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Kathy Black, Executive Director of Casa De Las Madres, thanked the Department and Captain Parra for having a secure and safe place for the victims and acknowledged Lt. Jean and Lt. Pengel for their leadership in the Domestic Violence Unit.

Emile Lawrence asked about suicide of police officers in San Francisco and discussed DUI tests.

REPORT AND DISCUSSION REGARDING THE SFPD'S 2012-2013/2013-2014 BUDGET, POSSIBLE ACTION TO APPROVE OR TAKE OTHER ACTION ON THE BUDGET

Taken off calendar

REPORT AND DISCUSSION REGARDING THE OCC'S 2012-2013/2013-2014 BUDGET, POSSIBLE ACTION TO APPROVE OR TAKE OTHER ACTION ON THE BUDGET

Taken off calendar

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Chan. Approved 5-0

Thereafter, the meeting was adjourned at 7:15 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

Pledge of Allegiance; Roll Call

1. **Adoption of the Minutes** (ACTION)
   - For the meetings of January 4th, 11th, 25th, and February 1, 2012

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

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3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of Certificates of Appreciation
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's January 2012 Monthly Comprehensive Statistical Report & Companion Reports for the periods January 1, 2012 through January 31, 2012 and January 1, 2011 through January 31, 2011 & Adjudication of Sustained Complaints in January 2012
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to retroactively accept and expend $1,016,000 of FY 2011 Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency (FEMA) (ACTION)

5. Discussion and possible action to adopt revised Department General Order 5.17, "Policy Prohibiting Biased Policing" (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Report and discussion regarding the SFPD's 2012-2013/2013-2014 budget, possible action to approve or take other action on the budget (DISCUSSION & POSSIBLE ACTION)

7. Report and discussion regarding the OCC's 2012-2013/2013-2014 budget, possible action to approve or take other action on the budget (DISCUSSION & POSSIBLE ACTION)

8. Public comment on all matters pertaining to Item 10 below, Closed Session, including public comment on vote whether to hold Item 10 in closed session.

9. Vote on whether to hold Closed Session, including vote on whether to assert the attorney-client privilege with regard to Items 10(b) & (c) (San Francisco Administrative Code Section 67.10) (ACTION)

10. **Closed Session**
Roll Call;

   a. Pursuant to Government Code 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION)
   Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. ALW C12-009, hearing set for April 2, 2012

   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Bonnie Preston vs. City and County of San Francisco, Case No. CGC-10-499015 (Filed 4/23/10) Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action.

   c. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Charles Fonseca v. Heather Fong, et al., SF Superior Court No. CPF-07-507227 (Filed 5/4/2007) Discussion and possible action to recommend that the Board of Supervisor approve recommended settlement in the action.

   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

11. Vote to elect whether to disclose any or all discussion on Item 10 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

12. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Park District at Grattan Elementary School, 165 Grattan Street, San Francisco, on Wednesday, February 29, 2012, at 6 p.m., to hear comments from the public and Park Station Captain John Feeney concerning public protection issues in the Park District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
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CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 22, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, DeJesus, Kingsley, Slaughter, Turman
ABSENT: Commissioners Marshall, Chan

(Commissioner Slaughter was excused at 7:30 p.m.)

ADOPTION OF THE MINUTES

- **For the meetings of January 4th, 11th, 25th, and February 1, 2012**

Put over for next week.

PUBLIC COMMENT

Tom Silhorst addressed the Commission in regards to the Patrol Special Program.

Unidentified spoke in regards to false information in a police report and being accused for striking a woman with a door and stated that he has a witness and stated that he was booked and spent two nights in custody and asked that the woman be arrested for lying to the police.

Clyde commended the Department in regards to recent arrests and commended the Chief for the It Gets Better video.

Emile Lawrence addressed the Commission in regards to receiving a parking ticket and discussed the job of the Commission.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Presentation of Certificates of Appreciation**
- **Review of recent activities**

Captain Moser, Mission Station, presented a Certificate of Appreciation to Mr. Carlin for his heroic actions.

Commander Militello spoke in regards to the making of the "It Gets Better" video. Chief Suhr presented a Certificate of Merit and Appreciation to Mr. Shawn Northcutt for his work on the "It Gets Better" video.

Chief Suhr reported briefly on crime statistics and recent activities from the past week including the recent visit of President Obama.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks presented the OCC's January 2012 Monthly Comprehensive Statistical Report and went on to give a brief update on mediation and on adjudication of sustained complaints.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported that he and Commissioner Chan met with the Youth Commission, Commander Biel, and Captain Parra in regards to the upcoming joint meeting with the Youth Commission on March 7th.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Inspector Monroe announced that the Commission will meet in the Park District at Grattan Elementary School on the 29th of February and will have a joint meeting with the Youth Commission on March 7th.

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PUBLIC COMMENT

Emile Lawrence discussed what the public needs to know about investigations and discussed concerns regarding his OCC complaint filed on the 14th or 15th of February.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $1,016,000 OF FY 2011 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Sergeant Keith Matthews presented the grant.

Motion by Commissioner Slaughter, second by Commissioner Turman. Approved 5-0.

PUBLIC COMMENT
None

RESOLUTION NO. 12-9

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A $1,016,000 OF FY 2011 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend $1,016,000 of FY 2011 Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency (FEMA).

AYES: Commissioners Mazzucco, DeJesus, Kingsley, Slaughter, Turman
ABSENT: Commissioners Marshall, Chan

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.17, "POLICY PROHIBITING BIASED POLICING"

Captain McEachern, Risk Management, presented revised DGO 5.17, "Policy Prohibiting Biased Policing." Ms. Samara Marion presented some history as to the revision of DGO 5.17.

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 5-0.

PUBLIC COMMENT
None

RESOLUTION NO. 12-10

APPROVAL TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.17, "POLICY PROHIBITING BIASED POLICING"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.17, "Policy Prohibiting Biased Policing," as amended (draft dated 5/4/11).

AYES: Commissioners Mazzucco, DeJesus, Kingsley, Slaughter, Turman
ABSENT: Commissioners Marshall, Chan

REPORT AND DISCUSSION REGARDING THE SFPD'S 2012-2013/2013-2014 BUDGET, POSSIBLE ACTION TO APPROVE OR TAKE OTHER ACTION ON THE BUDGET

Captain Goldberg presented the Department's 2012-2013/2013-2014 budget.

Motion by Commissioner Slaughter not to approve the budget, second by Commissioner DeJesus. Approved 4-1

PUBLIC COMMENT
None

AYES: Commissioners Mazzucco, DeJesus, Slaugher, Turman
NAYS: Commissioners Kingsley

RESOLUTION NO. 12-11

SAN FRANCISCO POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 2012-2013/2013-2014

RESOLVED that the Police Commission hereby voted not to approve the SFPD budget for fiscal year 2012-2013/2013-2014.

AYES: Commissioners Mazzucco, DeJesus, Slaughter, Turman
NAYS: Commissioner Kingsley
ABSENT: Commissioners Marshall, Chan

REPORT AND DISCUSSION REGARDING THE OCC'S 2012-2013/2013-2014 BUDGET, POSSIBLE ACTION TO APPROVE OR TAKE OTHER ACTION ON THE BUDGET

Director Hicks presented the OCC's 2012-2013/2013-2014 budget.

Motion by Commissioner DeJesus not to approve the budget, second by Commissioner Turman.

PUBLIC COMMENT
None

AYES: Commissioners Mazzucco, DeJesus, Slaughter, Turman
NAYS: Commissioner Kingsley

RESOLUTION NO. 12-12

OFFICE OF CITIZEN COMPLAINTS BUDGET FOR FISCAL YEAR 2012-2013/2013-2014

RESOLVED that the Police Commission hereby voted not to approve the OCC budget for fiscal year 2012-2013/2013-2014.

AYES: Commissioners Mazzucco, DeJesus, Slaughter, Turman
NAYS: Commissioner Kingsley
ABSENT: Commissioners Marshall, Chan

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

Emile Lawrence requested that Item c regarding Fonseca v. Fong, et al., be held in open session.

VOTE ON WHETHER TO HOLD CLOSED SESSION, INCLUDING VOTE ON WHETHER TO ASSERT THE ATTORNEY-CLIENT PRIVILEGE

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (7:35 p.m. – 7:44 p.m.)

a. **Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. ALW C12-009, hearing set for April 2, 2012**
(Present: Commissioners Mazzucco, DeJesus, Kingsley, Turman, Chief Suhr, Captain McEachern, Inspector Monroe, Risa Tom, Attorney Worsham)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 4-0.

b. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Bonnie Preston vs. City and County of San Francisco, Case No. CGC-10-499015 (filed 4/23/10) *(Resolution 12-13)*
(Present: Commissioners Mazzucco, DeJesus, Kingsley, Turman, Chief Suhr, Captain McEachern, Deputy City Attorney Porter, Inspector Monroe, Risa Tom)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 4-0.

c. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Charles Fonseca v. Heather Fong, et al., SF Superior No. CPF-07-507227 (filed 5/4/2007) *(Resolution 12-14)*
(Present: Commissioners Mazzucco, DeJesus, Kingsley, Turman, Chief Suhr, Captain McEachern, Deputy City Attorney Porter, Inspector Monroe, Risa Tom)

Motion by Commissioner DeJesus, second by Commissioner Mazzucco. Approved 4-0.

d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, DeJesus, Kingsley, Turman, Chief Suhr, Captain McEachern, Deputy City Attorney Porter, Inspector Monroe, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner DeJesus for non disclosure. Approve 5-0.

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 5-0

Thereafter, the meeting was adjourned at 7:46 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 29, 2012
6:00 p.m.

PARK DISTRICT
Grattan Elementary School
165 Grattan Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Adoption of the Minutes** (ACTION)
   - For the meetings of January 4th, 11th, 25th, and February 1, 2012

2. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)
      - Assignment of Disciplinary Charges filed against Patrol Special Officer Elbert Taylor, Case No. ALW C12-034 to a Commissioner for taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed against Assistant Patrol Special Officer Ernest Tachihara, Case No. ALW C12-033 to a Commission for taking of evidence on a date to be determined by the Commissioner

3. Captain John Feeney, Commanding Officer of Park Station, to address the Commission on Police Activities in the Park District (DISCUSSION)

4. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

5. **Adjournment** (ACTION)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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The proceeding will be held in the Park District, at the Grattan Elementary School, 165 Grattan Street, San Francisco. For information about MUNI service, please call 311.

Accessible parking are available at the venue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 29, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Park District, Grattan Elementary School, 165 Grattan Street, San Francisco, at 6:07 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley
ABSENT: Commissioners Slaughter, Turman

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

ADOPTION OF THE MINUTES

- **For the meetings of January 4th, 11th, 25th, and February 1, 2012**

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 5-0.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr gave a brief report regarding recent events and crime statistics.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks introduced herself and Senior Investigator Baltizar and went on to talked about the duties and responsibilities of the OCC.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported speaking at the Pine Lake District Association and asked that the Commission meet in the Taraval District.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings:**
- **Assignment of Disciplinary Charges filed against Patrol Special Officer Elbert Taylor, Case No. ALW C12-034 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** Assigned to Commissioner Kingsley
- **Assignment of Disciplinary Charges filed against Patrol Special Officer Ernest Tachihara, Case No. ALW C12-033 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** Assigned to Commissioner DeJesus

Inspector Monroe announced the next week will be a meeting with the Youth Commission at 6 p.m., in Room 250, City Hall.

PUBLIC COMMENT
None

CAPTAIN JOHN FEENEY, COMMANDING OFFICER OF PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT

Captain Feeney addressed the Commission on police activities in the Park District and went on to talked about crime statistics and the demographic of the Park District.

PUBLIC COMMENT

Resident suggested that on 17th and Cole have an officer in that intersection for safety and also to add a speed bump before Geary on 17th.

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Christian Wienfeld, Attorney, thanked Sgt. Yamaguchi for talking to him regarding gambling in Muni typically on the 38 line and Van Ness buses.

Richard Magerri, Park Station Community Advisory Board and Citywide CPAB, commended Captain Feeney for his fresh ideas that he is bringing and thanked all the officers of Park Station for their work in keeping the community safe.

Cindy Brannen, SAFE, welcomed Captain Feeney in the Park District and spoke in regards to working with Park Station in regards to burglaries and thefts and traffic safety in the Park District.

Emile Lawrence spoke in regards to the budget and spoke in regards to the stables and the Mounted Unit.

Unidentified spoke in regards to vagrants throwing shopping carts and calling the police after she was punched and asked for a change of attitude in the police and in the neighborhood.

Peggy Royser, Ellis Street resident, spoke in regards to homeless and drug users in Kimball Park and discussed concerns about the Methadone Clinic in the area of playgrounds and schools.

Karen Cromie, Cole Valley Improvement Association, thanked Captain Feeney for his presentation and talked about the response time of Park Station and talked about transient youths in the Park District around Albert Lake and mentally ill individuals out on the street all day.

Brandon McKenna, Haight Ashbury resident, member of Friends of Albert Lake Volunteer Gardening Group, talked about damage done by transient campers in the park and stated that Albert Lake needs the support of the police and the community.

Ted Lowenberg, President of Haight Ashbury Improvement Association, discussed the situation at Albert Lake, rise in calls for service at McDonalds due to transients. He stated that what needs to be done is aggressive enforcement measures several times a day and citation of individuals in the park after closing to send a message that the Park community will not tolerate that kind of behavior.

Kristen Evans, Booksmith owner, discussed concerns about McDonalds who is not a member of the merchants' association and stated their association will work with other neighborhood associations to make sure that public spaces are safe for everyone.

Lea Harper, Haight Ashbury resident, spoke in regards to garbage in and around Albert Lake and how it has become a dump and spoke in regards to drug dealer and drug addicts in the park.

Alana Maycock spoke in regards to the corner of Stanyan and Parnassus and how drivers run the redlight on that corner.

ADJOURNMENT

Motion by Commissioner Chan, second by Commission DeJesus. Approved 5-0.

Thereafter, the meeting was adjourned at 8:00 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION
and
YOUTH COMMISSION
JOINT MEETING

WEDNESDAY, MARCH 7, 2012
6:00 p.m.

CITY HALL, ROOM 250
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Introduction and overview** (DISCUSSION)
   - Commissioner Thomas Mazzucco, Police Commission Introduction
   - Youth Commission Introduction
   - Supervisor David Campos
   - Mr. Paul Henderson, Mayor's Office

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2. **Expert Testimony** (DISCUSSION)
   - Youth or Youth Serving Organizations (15 minutes)
   - Academic Expert (15 minutes)

3. **SFPD and OCC Presentation** (DISCUSSION)
   - SFPD : Resources available for youths (15 minutes)
   - OCC: Policy work with youth (15 minutes)

4. **General Public Comment**

   (The public is now welcome to address the Commission regarding items that da not appear an tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Cammissian as a whole and not to individual Commissioners or Department or OCC personnel. Under Palice Cammissian Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required ta respand to questions presented by the public but, may provide a brief response. individual Commissioners and Police and OCC persannel should refrain, however, from entering into any debates or discussian with speakers during public comment. Please limit your comments to two (2) minutes.)

5. **Adjournment** (ACTION)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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MARCH 7, 2012

JOINT MEETING WITH THE YOUTH COMMISSION

The Police Commission of the City and County of San Francisco met with the Youth Commission at 6:05 p.m., in Room 250, City Hall.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

Present for the Youth Commission: Commissioners Armstrong, Bonner, Carrion, Holloway, LaCoix, Marshall, Ontiveros, Persky, Yang, and Shackelford

INTRODUCTION AND OVERVIEW

- Commission Thomas Mazzucco, Police Commission introduction
- Youth Commission Introduction
- Supervisor David Campos
- Mr. Paul Henderson, Mayor's Office

Introduction by the Youth Commission. Introduction by the Police Commission.

Supervisor David Campos addressed the audience.
Supervisor Avalos addressed the audience.
Mr. Paul Henderson, Deputy Chief of Staff Mayor's Office, addressed the audience.

Commissioner Ontiveros acknowledged Chief Suhr, Commissioner Mazzucco, members of the Board of Supervisors, Chief Siffermann, Maria Su and Jasmine Dawkins from the Department of Children, Claudia Anderson, SF Unified, and Tara Regan from the Office of DA Gascon.

Commissioner Mazzucco acknowledged some of the Youth Organizations that are present tonight: Mayor's Youth Employment and Education Program, Bernal Heights Neighborhood Center's Youth Leadership Program, The Excelsior Youth Summit Committee, Inner City Youth, Vietnamese Youth Development Center, B Magic, Mo Magic, Juvenile Advisory Council of the Juvenile Probation Department, Huckleberry Youth Services, Community Youth Center, Mission Neighborhood Center, North West Crisis Response Network, Samoan Community Development Center, Sunset Youth Services, Larkin Street, Center for Young Women's Development, HOMEY, Omega Boys Club, LYRIC, Japanese Community Youth Center, Instituto Familia Legal, City Impact Rescue Mission, Boys & Girls Club, International Studies Academy High School, SOMCAN, United Playaz, SOMA Recreation Center, SFPD Teen/Young Adult Forum, Huckleberry Community Assessment Referral Center, Truancy Assessment and Referral Center, Downtown High School, TAY Advisory Board meeting, Horizons Unlimited, and Jewish Vocational Service.

PUBLIC COMMENT (Taken out of order)

Peter Alexander Chernoff spoke on behalf of a 10-year old child and discussed concerns.
Sara David, mother of four, discussed concerns regarding criminal exploitation of children.
Chris, Magic Zone, talked about meeting with Chief Suhr and would like to revisit ideas presented to the Chief.
Unidentified asked the Chief for career day and meeting with the teen forum.
Lidia Davila, Mercy High, law enforcement should incorporate youths with their meeting.
Alia Ponsay discussed providing transportation for youths.
Andrea, Galileo, would like their needs implemented in an effort to bring youth and law enforcement together.
Kensha Farrell addressed the activities of law enforcement with youths.
JT Gilman showed their support for the SFPD Wilderness Program and Fishing Program.
Unidentified expressed support for SFPD Wilderness Program.
Irwin is looking forward to go fishing in the summer.

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Unidentified expressed support for the Wilderness and Fishing Program.

Lea Whites, Bernal Heights, talked about youth summit in the Excelsior District.

Jay, Balboa High, talked about upcoming youth summit on May 19th.

Ali, Balboa High, OMI Bernal Heights Neighborhood Center, talked about having good relationship with the police.

Nancy, Abraham Lincoln High, OMI Neighborhood, talked about police overstepping their authorities.

Arlene, Balboa High, OMI Program, talked about relationship between youth and police and lack of trust.

Chanel Hunter stated that it is a great idea for youth to understand the role of police in the neighborhood.

Lea Williams, Burton High, suggested that police create a bond with youth.

Danny Wong, OMI Neighborhood, suggested good positive relationship with the police by engaging in community activities together and building a health alliance together.

Pablo, Excelsior District, talked about personal experience with the police and the feeling of being prejudged.

Marcus, OMI Program, talked about stories from friends about the police and lack of respect for the police.

Breezy, Balboa High, talked about personal experience she had with the police.

David Song, George Washington High, stated the youth and police should have a better relationship and stated that police holds too much power in their hands and suggested that police view the situation from the youth's point of view.

Ken, Balboa High, talked about the role of police in their community and stated that police should learn how to communicate with youths.

Shemisha, Youth OMI, talked about feeling harassed and racism from the police and feeling prejudged by the police and asked that police be trained properly.

Charles, Academy of Arts and Sciences, talked about a cousin's experience with the police and how his cousin is targeted by the police.

Mark Armstrong stated that his experience with the police has not been good even after trying to talk to them.

Cheryl Davis, MoMagic, suggested compiling different ideas to work with youth from the different police stations and talked about mentoring youth and talked about teen forum.

Alan, Housing Authority, spoke of his experiences with the police and talked about school tours with the police and playing basketball with the officers.

Maria Martinez, counselor Abraham Lincoln, commended the SFPD and the Taraval Station's SROs.

Dennis Chu, SF Unified School District, stated that he has seen various programs work when the police and youth work together

Maggie Scott, Healing Circle, represents groups of families who've lost children through violence and talked about building relationships with the SFPD and stated that children need to be educated on law enforcement.

Erica Webber, principal George Washington High, talked about her school's relationship with the SFPD and talked about officers who work with her school.

Barnaby Payne, Abraham Lincoln High School principal, commended the Taraval Station officers and Captain Lum for their work with his school.

Nicole, SF Safe, thanked the Department for their support

Marlene Tran, Visitacion Valley, commended the Youth Commission and thanked the Chief and the Department for their work with Operation Dream.

Julius, nonprofit executive director, talked about the Child Safety Awareness Program to educate children on how to protect themselves and how to stay safe. He also talked about the Department sponsorship of the Safe Haven Program.

Sunny Harker, teacher, expressed support of the Wilderness Program.

Commissioner Mazzucco asked the Chief to introduce some of the SROs that were present. Present were Officers Perillo, Kerwin, Marino, Alfredo, Jackson, and Steve.

Unidentified stated that upholding relationship with youth is not the police's duties and would like to focus on negative officers.

Frederick Williams, 15-year old, spoke about his experience with the police and talked about joining the Junior Police League and suggested the police should build a relationship with youths.

Mei How, Galileo High, spoke about how the police is on the same side as youth and talked about letting youth help the police.

Frank Presino, Board of Directors SF Fishing Program, commended the Department for their work with the Fishing Program.

Don Franklin, SF Rec Park Department, talked about starting out in the Fishing Program back in the 70s and talked about how he now takes kids out on his boat through the Fishing Program.

Emily, 5th grader West Portal Elementary School, talked about Officer Rivera and their trip to Angel Island.

Charlie, 4th grader West Portal Elementary School, talked about his field trip to Angel Island with Officer Mike.

Al, 5th Grader West Portal Elementary School, talked about his field trip to Angel Island.

Bill Chang, parent, express support for the Angel Island Field Trip Program.

Cindy Berstein, 4th grade teacher West Portal Elementary, commended and express support for Officer Rivera and the Wilderness Program.

Marina Degroot, teacher West Portal Elementary, expressed support for the SFPD Wilderness Program.

Steven Linder, parent 4th grader West Portal Elementary, expressed support for the SFPD Wilderness Program.

Don, Environmental Travelling Companion Program, provide rafts for the Wilderness Program and trips to youth and officers.

Brandon Jackson, Inner City Youth case manager, talked about working with youths to try to bring up their self esteem and discussed concerns with police knocking down that self esteem and suggested the police engage in youth activities.

Laura, Sr. Case Manager with Inner City Youth, commended Captain Lum of Taraval Station and suggested cultural competency training for police officers.

Arturo Ceballo, Lakeview District, talked about confrontation with the police.

Gwendolyn Brown, Director Inner City Youth, talked about her commitment to this process and discussed concerns about a public defender and asked for more resources for CBOs.

Will Chu, preschool teacher, expressed support for the PAL Fishing Program.

Rob Connolly, President Boys and Girls Club SF, encouraged the department to engage with youth and to stay on the path that it's on and encouraged more training for officers and commended Officer Jackson and Rick Bruce and Deputy Chief Shinn.

Jan Tully, Boys and Girls Club Hunters Point, thanked Officer Jackson, Officer Mike Rivera for their work with kids.

James McElroy, Bayview Hunters Point Foundation for Community Improvement, expressed support for the Fishing Program.

Carlita Jackson Lane commended the Youth Commission and the Police Commission, Supervisor Campos, Chief Suhr for their work with youths and thanked the Chief for his support.

Isan Luber, Tenderloin Boys and Girls Club, commended officers and asked to put more cops where there are kids.

Patricia Martinez talked about her experience when her parents were incarcerated and recommend that officers should smile more when they are walking in the neighborhood and recommended more programs with youths.

Emile Lawrence addressed the Youth Commission.

Eddy Zeng, USC, spoke about advocacy and stated that everyone have to work together and commended SROs for engaging with young people.

Don Woody expressed concerns and read a letter in regards to a traffic stop.

Youth Ambassador talked about relationship between youth within communities and the police.

EXPERT TESTIMONY

- **Youth or Youth Serving Organizations**
- **Academic Expert**

(1) Dan Macallair, Executive Director, Center of Juvenile and Criminal Justice
(2) Denise Coleman, Director of Juvenile Justice Programs, Huckleberry Youth Program.
(3) Nadiyah Sherreff, Young Adult Advocate, Transitional Age Youth Initiative
(4) Robin Bonner, Educator, Bay Area Urban Debate League

SFPD AND OCC PRESENTATION

- **SFPD: Resources available for youths**

(1) Captain Antonio Parra, Special Victims Unit
(2) Commander Mike Biel, Investigations Bureau
(3) Rick Bruce, PAL President
(4) Lorraine Woodruff-Long, PAL Executive Director
(5) Officer Michael Rivera, Coordinator SFPD Wilderness Program
(6) Officer Bob Ford, Coordinator SFPD Youth Fishing Program
(7) Officer Raphael Rockwell, Coordinator Operation Dream
(8) Chief Greg Suhr spoke about the "Finish High School" Program
(9) Officer Val Kirwan, Central Station S.T.E.P.S. Program
(10) Officer Jason Johnson, Willie Mays Boys & Girls Club
(11) Lieutenant Jason Fox, Juvenile Justice Statistics

"It Gets Better Video" is then shown to the audience.

- **OCC: Policy work with youth**

(1) Director Joyce Hicks, OCC
(2) Samara Marion, Policy Attorney

Recommendations by the Youth Commission:

- Training for police officers on how to interact with youth
- More comprehensive distribution of "Know your Rights" pamphlets
- More police partnerships within the community
- Joint training between the officers and youth on just how to talk to each other
- Safety training with kids and SRO officers
- Beginning of school year have Captains introduce themselves to the whole student body
- Task Force to continue communication between youth and police

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 7-0.

Thereafter, the meeting was adjourned at 10:30 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, March 14, 2012.**
Please join the Commission at its next meeting on

Wednesday, March 21, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Bayview District at the Southeast Community Center, 1800 Oakdale, San Francisco, on Wednesday, March 28, 2012, at 6 p.m., to hear comments from the public and Bayview Station Captain Paul Chignell concerning public protection issues in the Bayview District.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 21, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
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Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the periods February 1, 2012 through February 29, 2012 & February 1, 2011 through February 28, 2011 & Adjudication of Sustained Complaints in February 2012
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Discussion and possible action to declare Property located at 2300 Third Street as surplus to the Police Department's need and to recommend to the Director of Real Estate to lease, sell or otherwise transfer or dispose of that property in accordance with applicable state and local requirements, or to take other action regarding the property (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in closed session, including on whether to assert the attorney-client privilege with regard to Item 6a (San Francisco Administrative Code Section 67.10) (ACTION)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 21, 2012
5:30 p.m.

CITY HALL, ROOM 400
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6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Kevin Woodson v. CCSF, United States District Court No. C11-00057, filed 12/10/10
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement.

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. DRA D10-237, to an Individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to adopt or take other action regarding proposed Findings of Fact in Case No. IVF C09-087 (ACTION)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

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MARCH 21, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman
ABSENT: Commissioner Slaughter

(Commissioner Turman arrived at 5:45 p.m.)

PUBLIC COMMENT

Starchild, Libertarian Party SF, discussed concerns regarding prosecution of Ross Mirkarimi and discussed Patrol Specials and asked that names of officers involved in shootings be made public and that there be more transparencies.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr gave a brief update on crime statistics and talked about recent events within the Department.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the periods February 1, 2012 through February 29, 2012 & February 1, 2011 through February 28, 2012 & Adjudication of Sustained Complaints in February 2012**

Director Hicks presented the OCC's Monthly Comprehensive Statistical Report and companion reports and went on to give a brief update on cases opened and closed, on mediation, and on adjudication of sustained complaints.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco talked about the joint meeting with the Youth Commission and went on to thank Supervisors Campos and Avilos for their attendance.

Commissioner DeJesus talked about attending the Firearm Discharge Review Board meeting and asked about the revision of DGO 3.10. Deputy City Attorney Porter explained the revision.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Commissioner Mazzucco would like the Youth Commission recommendations on April 4th.

Inspector Monroe announced that the Commission will meet in the Bayview District at the Southeast Community Center on the 28th of March, at 6 p.m.

PUBLIC COMMENT

Starchild talked about domestic violence and asked the Director of OCC about the 300 pending cases and talked about transparency.

DISCUSSION AND POSSIBLE ACTION TO DECLARE PROPERTY LOCATED AT 2300 THIRD STREET AS SURPLUS TO THE POLICE DEPARTMENT'S NEED AND TO RECOMMEND TO THE DIRECTOR OF REAL ESTATE TO LEASE, SELL OR OTHERWISE TRANSFER OR DISPOSE OF THAT PROPERTY IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL REQUIREMENTS, OR TO TAKE OTHER ACTION REGARDING THE PROPERTY

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Lieutenant Raj Vaswani presented the modified resolution regarding disposition of 2300 Third Street.

Mr. John Updike, Acting Director Real Estate, went over the modifications made to the resolution.

Commissioner Mazzucco asked that the transfer be delayed until it is determined what it will be used for.

Commissioner Kingsley would like to see further modification of the resolution.

Motion by Commissioner Chan to approve the resolution with amendments, second by Commissioner Marshall. Approved 4-2

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan
NAYS: Commissioners Kingsley, Turman

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION, INCLUDING VOTE ON WHETHER TO ASSERT THE ATTORNEY-CLIENT PRIVILEGE

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION (6:35 p.m. – 7:05 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Kevin Woodson v. CCSF, United States District Court NO. C11-00057, filed 12/10/10
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, , Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Zarefsky, Inspector Monroe, Risa Tom)

Motion by Commissioner Kingsley, second by Commissioner DeJesus. Approved 6-0.

b. **PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. DRA D10-237, to an individual Commissioner for the taking of evidence on date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Zarefsky, Inspector Monroe, Risa Tom)

Assigned to Commissioner Mazzucco.

c. **PERSONNEL EXCEPTION: Discussion and possible action to adopt or take other action regarding proposed Findings of Fact in Case NO. IVF C09-087**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Deputy City Attorney Zarefsky, Chief Suhr, Commander Tomioka, Director Hicks, Attorney Fortes, Mr. Steve Johnson, Inspector Monroe, Risa Tom)

Motion by Commissioner Chan, second by Commissioner Mazzucco to recuse Commissioner DeJesus. Approved 5-0

Motion by Commissioner Chan, second by Commissioner Kingsley to adopt findings. Approved 5-0.

d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Zarefsky, Inspector Monroe, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 5-0

Thereafter, the meeting was adjourned at 7:10 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
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Commissioner

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Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 28, 2012
6:00 p.m.

BAYVIEW DISTRICT
Southeast Community Facility
Alex L. Pitcher, Jr. Community Room
1800 Oakdale Avenue
San Francisco

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Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings

2. Captain Paul Chignell, Commanding Officer of Bayview Station, to address the Commission on Police Activities in the Bayview District (DISCUSSION)

3. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Adjournment** (ACTION)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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The proceeding will be held at the Southeast Community Facility, 1800 Oakdale Avenue, San Francisco. For information about MUNI service, please call 311.

Accessible parking are available.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MARCH 28, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Bayview District, Southeast Community Facility, 1800 Oakdale Avenue, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Kingsley, Slaughter, Turman

Commissioner Mazzucco welcomed the audience and asked the commissioners to introduce themselves.

Commissioner Mazzucco then introduced Supervisor Malia Cohen who welcomed the audience.

REPORTS TO THE COMMISSION

Chief's Report

- Update on significant policing efforts by Department members

Chief Suhr reported on recent events around the Department including recent homicide of five individuals and the arrest of the suspect involved.

Commissioner Mazzucco commended and thanked the officers involved in the case for their action in the quick arrest of the suspect in this case.

OCC DIRECTOR'S REPORT

- Review of recent activities

Director Hicks talked about the duties and responsibilities of the Office of Citizen Complaints.

COMMISSION REPORTS

- Commission President's Report
- Commissioners' Reports

Commissioner Chan reported on the Crisis Intervention Training.

COMMISSION ANNOUNCEMENTS

Inspector Monroe announced that the next meeting will be on April 4th at City Hall.

Commissioner DeJesus asked to meet with the Department to talk about the attrition rate and the upcoming budget presentation and how public safety is keeping up with the growth in population in the city.

Commissioner Slaughter also addressed the issue of attrition.

Commissioner Marshall gave a brief update in regards to the number of disciplinary cases in the Commission's docket.

CAPTAIN PAUL CHIGNELL, COMMANDING OFFICER OF BAYVIEW STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE BAYVIEW DISTRICT

Captain Chignell addressed the Commission on police activities in the Bayview District. Captain Chignell introduced members of his staff. Captain Chignell then went on to with his presentation regarding the Bayview District.

The following presentations followed:

- Sergeant Hall, OIC Housing Team
- Sergeant Schaffer, OIC Foot beat
- Sergeant Cunningham, Investigation team
- Sergeants Hart & O'Connor, Plainclothes team

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PUBLIC COMMENT

Nathan Apple, Bayview resident, presented a plaque made by him to Captain Chignell.

Unidentified, Portola resident, asked who he can talk to in regards to using technology to inform the public as to what's happening in the district.

Francisco Decosta thanked the officers of Bayview District for their work in the Bayview.

Theresa thanked Supervisor Cohen for her leadership and thanked Chief Suhr and Sgt. Hall of the Bayview Station for their work with the community.

Unidentified congratulated Chief Suhr and commended Officer Fitzpatrick and talked about programs for kids in the Bayview.

Unidentified commended the Department for the quick arrest in regards to the homicide of five individuals.

Howard Woo , API and Police Advisory Board member, commended the Chief and the officers of the Department for the arrest of the suspect involved in the homicide of five individuals.

Ellen, SF Community Empowerment Center, asked for resources to be provided to the Bayview community and commended the officers of Bayview.

Sudif, designer, thanked the officers for their service to the community and went on to talk about the challenges of the Department in working with the community.

Elsa spoke in regards to an unsolved homicide case of her son.

Audrey Lan, Bayview resident, talked about how the district and community has changed and thanked Chief Suhr for his work with the community.

Roy Shattucks, resident, talked about the transition in the neighborhood and talked about concerns regarding liquor stores in the area and went on to commend Captain Chignell and his staff for their work with the community.

Espanola Jackson gave a brief history about the height limit to get in to the police department. She asked the Commission for a resolution to help educate young people instead of sending them to community courts.

Chief Suhr requested that the meeting be adjourned in honor of Captain Paul Chignell.

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 7-0.

Thereafter, the meeting was adjourned at 8:22 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

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The Police Commission

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Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 4, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

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2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of Certificates of Appreciation
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
      - Status update regarding recommendations made during the joint meeting with the Youth Commission
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Discussion regarding anticipated attrition rates and future staffing plan (DISCUSSION)

4. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Taraval District at the A.P. Giannini Middle School, 3151 Ortega Street, San Francisco, on Wednesday, April 25, 2012, at 6 p.m., to hear comments from the public and Taraval Station Captain Curtis Lum concerning public protections issues in the Taraval District

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 4, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:37 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

Chief's Report
- Presentation of Certificates of Appreciation

Taken out of order.

Chief Suhr gave a brief summary of the incident and went on to present Special Agent Sparrow and Crime Analyst Sparelli with Certificates of Appreciation.

PUBLIC COMMENT

Ray Hartz, SF Open Government, showed a newspaper article regarding a public meeting and someone filing a complaint against him. He went on to discuss concerns regarding his public record request.

Emile Lawrence express concern about notice of meeting and went on to talk about crimes relating to illegal immigrants (documents submitted).

Ace Washington spoke in regards to a homicide in the Western Addition and suggested to have a public meeting with the African American community.

Clyde spoke in regards to the shooting in Florida and recent homicides in the city.

Unidentified spoke in regards to Mr. Hartz's comments and freedom of speech.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities

Chief Suhr gave a brief update on recent events within the Department and upcoming events this coming weekend.

Commissioner Mazzucco spoke of Inspector Bastiani's 55 years of service with the Police Department. Chief Suhr then went on to present him with his Certificate of Honorable Retirement.

Chief Suhr also spoke of recent homicides and shootings. The Chief also spoke in regards to a recent budget meeting with the Mayor.

- Status update regarding recommendations made during the joint meeting with the Youth Commission

Chief Suhr then went on to update the Commission in regards to recommendations made by the Youth Commission.

The Youth Commission's Mario Yedidia presented the Youth Commission's presentation regarding their recommendations.

Captain Barrett spoke briefly about the Department's timeline in implementing the training recommendation. Draft training within 90 days and training implemented within 6 months.

b. OCC Director's Report
- Review of recent activities

Director Hicks has no recent activities to report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

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Commissioner Mazzucco has no report.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Inspector Monroe announced that the Commission will meet in the Taraval District on April 25, 2012 at the AP Giannini Middle School, 3151 Ortega Street, at 6 p.m.

PUBLIC COMMENT
None

DISCUSSION REGARDING ANTICIPATED ATTRITION RATES AND FUTURE STAFFING PLAN

Commissioner DeJesus asked that a presentation be made to the Commission in regards to attrition and talked about a few ideas to deal with future staffing plans.

PUBLIC COMMENT
Emile Lawrence spoke in regards to salaries and pensions of fire and police personnel.
Sulu Balega, District 10, spoke in support of the police and stated that more police are needed.

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 7-0

Thereafter, the meeting was adjourned at 7:00 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, April 11, 2012**.
Please join the Commission at its next meeting on

Wednesday, April 18, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Taraval District at the A.P. Giannini Middle School, 3151 Ortega Street, San Francisco, on Wednesday, April 25, 2012, at 6 p.m., to hear comments from the public and Taraval Station Captain Curtis Lum concerning public protection issues in the Taraval District.

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Inspector John Monroe
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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

04-13-12P03:40 RCVD

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 1st Quarter 2012
   - SFPD/OCC's 1st Quarter Status Report on General Orders/Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 1st Quarter 2012 FDRB Findings & Recommendations
      - Presentation of the OIS Investigative Summary
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the Periods March 1, 2012 through March 31, 2011 and Adjudication of Sustained Complaints in March 2012
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Approval of the Awards Committee Recommendation (ACTION)

5. Discussion and possible action to adopt revised Department General Order 3.10, "Firearm Discharge Review Board" (ACTION)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
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CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
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Inspector John Monroe
Secretary

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

8. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case Nos. ALW C09-062 & ALW C10-244 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Motion to Dismiss filed in case no. ALW C11-211 (ACTION)

   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IVF C12-035, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases:
   - Case No. ALW D09-158 (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

10. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Taraval District at the A.P. Giannini Middle School, 3151 Ortega Street, San Francisco, on Wednesday, April 25, 2012, at 6 p.m., to hear comments from the public and Taraval Station Captain Curtis Lum concerning public protections issues in the Taraval District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 18, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:34 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

CONSENT CALENDAR

- **Police Commission Report of Disciplinary Actions, 1st Quarter 2012**
- **SFPD/OCC's 1st Quarter Status Report on General Orders/Policy Proposals**

Motion by Commissioner Kingsley, second by Commissioner Slaughter. Approved 6-0.

PUBLIC COMMENT

None

PUBLIC COMMENT

Tom Silhorst discussed concerns of officers endorsing political candidates and concerns regarding Patrol Special Officers.

Emile Lawrence discussed an officer that was hired to investigate taxicab drivers and suggested putting out advertising ads to announce Commission meetings. (documents submitted)

Clyde spoke of an officer charged with domestic violence and discussed stolen cell phones.

Quint discussed pedestrian death on Market and Castro Streets and discussed concerns regarding not being able to file a police report in regards to an accident in front of his house.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Presentation of the 1st Quarter 2012 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigative Summary**

FDRB 1st Quarter report and OIS Investigative Summary put over at a later time.

Deputy Chief Cashman for Chief Suhr reported on recent events that happened in the last two weeks. Deputy Chief Cashman also reported on recent crime statistics.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the periods March 1, 2012 through March 31, 2012 & Adjudication of Sustained Complaints in March 2012**

Director Hicks reported on recent activities including cases opened and cases mediated.

Director Hicks then presented the OCC's Monthly Comprehensive Statistical Report and companion reports.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on recent activities.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

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Inspector Monroe announced that next week's meeting will be in the Taraval District at AP Giannini Elementary School.

Commissioner Mazzucco would like to have the next district meeting in the Tenderloin District.

PUBLIC COMMENT

Emile Lawrence discussed concerns and asked for reports.

APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATION

Commissioner Mazzucco gave a brief history of the Award Committee meeting.

Commissioner Kingsley would like summaries of events be posted on the website.

PUBLIC COMMENT

None

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 7-0.

RESOLUTION 12-21

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department are commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on March 21, 2012; and

WHEREAS, Chief of Police Gregory P. Suhr has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; and

RESOLVED, that Officers Patrick Griffin, Michael Tursi, Thomas Minkel, Joseph Everson, Richard Hastings, and Matthew Lopez are hereby awarded Gold Medals of Valor and granted rewards of $1500.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeants Scott Ryan, Joshua Espinoza, Officers Albert Lieu, Ruben Reyes, William Heppler, Troy Carrasco, Daniel Solorzano, and Viet Q. Ha are hereby awarded the Silver Medal of Valor and granted a reward of $1000.00, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeants Daniel Manning, Joseph Barretta, Shaughn Ryan, Officers Ryan Jones, Eric Tapang, Elizabeth Morse, Mark Milligan, Matthew Elseth, and James Johnson are hereby awarded Bronze Medals of Valor and granted rewards of $500.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Lieutenant Ed Santos, Jr., Sergeant Richard Jones, Inspectors Donna Loftus, Al Lum, Stephen Paulsen, and Officer Mary Godfrey are hereby awarded the Meritorious Conduct Award and granted rewards of $200.00 each, as provided for under said section of the Charter.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.10, "FIREARM DISCHARGE REVIEW BOARD"

Put over at a later time.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved 7-0.

CLOSED SESSION (6:15 p.m. to 7:38)

a. **PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case Nos. ALW C09-062 & ALW C10-244 to the Chief's level per disposition agreed to by the Chief and the parties**
(Resolution No. 12-22)
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Attorney Worsham, Mr. Johnson)

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 7-0.

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Motion to Dismiss filed in case no. ALW C11-211**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Attorney Worsham, Attorney Shea, member involved)
(Resolution No. 12-23)
Motion by Commissioner Slaughter to deny motion to dismiss, second by Commisisoner Chan. Approved 5-2.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Assoc.)

c. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IVF C12-035 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Deputy City Attorney Bliss, Deputy Chief Cashman, Commander Tomioka, Director Hicks, Attorney Marion, Mr. Steve Johnson, Inspector Monroe, Risa Tom)

Assigned to Commissioner Turman

d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
- **Case No. ALW D09-158 Appeal of the Chief's Suspension**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Attorney Worsham, Mr. Steve Johnson)

Commissioner Marshall set April 16th before the full commission to hear this matter.

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Kingsley. Approved 7-0

Thereafter, the meeting was adjourned at 7:38 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 25, 2012
6:00 p.m.

TARAVAL DISTRICT
A. P. Giannini Middle School
3151 Ortega Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of the Chief of Police to accept donation of $300.00 from the Asian Peace Officer Association for use by the SFPD Wilderness Program

2. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings

3. Captain Curtis Lum, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District (DISCUSSION)

4. **Public Comment**
   (The public is now welcome to address the Commission regarding items thot do not oppear on tonight's agenda but that are within the subject motter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as o whole and not to individuol Commissioners or Deportment or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, moy provide a brief response. Individual Commissioners and Police ond OCC personnel should refrain, however, from entering into any debates or discussion with speokers during public comment. Please limit your comments to three (3) minutes.)

04-20-12P12:49 RCVD

5. **Adjournment** (ACTION)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
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The proceeding will be held at A.P. Giannini Middle School, 3151 Ortega Street, San Francisco. For information about MUNI service, please call 311.

Accessible parking are available.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 25, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Taraval District, A.P. Giannini Middle School, 3151 Ortega Street, San Francisco, at 6:20 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

(Commissioner Turman arrived at 6:25 p.m.)

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation of $300.00 from the Asian Peace Officer Association for use by the SFPD Wilderness Program**

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 5-0.

PUBLIC COMMENT
None

RESOLUTION 12-25

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR THE WILDERNESS PROGRAM OF $300.00 FROM THE ASIAN PEACE OFFICER ASSOCIATION

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for the Wilderness Program of $300.00 from the Asian Peace Officer Association.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioner DeJesus, Slaughter

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr reported on recent activities in the department and talked about recent demonstration at the Well Fargo board meeting. The Chief gave a brief update on crime statistics.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks introduced herself and went on to talked about the duties and responsibilities of the OCC.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on the recent Wells Fargo demonstration.

Commissioner Marshall also reported that the Youth Commission and the Chief will be part of his radio program on Sunday at 8 p.m., KMEL.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

No announcements.

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PUBLIC COMMENT

Emile Lawrence asked the Commission to advertise the meetings to get more people to attend the meeting.

Maryanne discussed concerns regarding burglaries in the Sunset District.

CAPTAIN CURTIS LUM, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain Lum addressed the Commission on police activities in the Taraval District and went on to talked about crime statistics and the demographic of the Taraval District.

PUBLIC COMMENT

Dick, Taraval resident, discussed concerns regarding traffic between Taraval and Lincoln Way and drivers running stop signs and is a hazard for children and would like an officer between 9th and Pacheco during the rush hours.

Emile Lawrence spoke about the time he bought a house in the Taraval and gave a brief history of the district.

Paulette Brown discussed concerns about Captain Lum.

Michael Andrew discussed Officer Herman Chu and stated that he should be given an award and then went on to discuss about an individual who lives in the District that needs to be arrested for terrorizing another individual and stated that he would like to meet with the Captain.

Mary Harris, OMI District in Action, thanked Chief Suhr for keeping Captain Lum in the district and went on to talk about the Taraval Neighborhood Team, "TNT," and asked the Chief to keep the Team going.

Bonnie Chung spoke in support of the TNT and asked the Chief to have the Team going.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 5-0.

Thereafter, the meeting was adjourned at 7:30 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 2, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Adoption of the Minutes** (ACTION)
   - Meetings of February 15th, 22nd, 29th, March 7th and 21, 2012

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the Department's 2011 Annual Report
      - Presentation of the 1st Quarter 2012 FDRB Findings & Recommendations
      - Presentation of the OIS Investigative Summary
      - Presentation of the Document Protocol Report 2011
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's 2011 Annual Report
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to adopt revised Department General Order 3.10, "Firearm Discharge Review Board" (ACTION)

04-27-12P12:43 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 2, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public comment on all matters pertaining to Item 7 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 7 in closed session.

6. Vote on whether to hold Item 7 in Closed Session (ACTION)

7. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of amended disciplinary charges filed in Case No. JWA C11-001, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

9. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, May 9, 2012**.
Please join the Commission at its next meeting on

Wednesday, May 16, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

MEDAL OF VALOR AWARDS CEREMONY

WEDNESDAY, MAY 30, 2012
Mission Bay Conference Center at UCSF
Robertson Auditorium
1675 Owens Street
San Francisco
6:00 p.m.

05-04-12P01:43 RCVD

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MAY 2, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:34 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

Commissioner Mazzucco introduced new Commissioner, Suzy Loftus. Commissioner Loftus then went on to address the audience.

ADOPTION OF MINUTES

- Meetings of February 15th, 22nd, 29th, March 7th and 21, 2012

PUBLIC COMMENT

None

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 5-0.

PUBLIC COMMENT

None

PUBLIC COMMENT

Clyde welcomed new Commissioner Loftus and went on to talk about the takeover of the Turk Street building.

Ray Hartz spoke in regards to public records requests and an incident that happened in the Public Library.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities
- Presentation of the Department's 2011 Annual Report
- Presentation of the 1st Quarter 2012 FDRB Findings & Recommendations
- Presentation of the OIS Investigative Summary
- Presentation of the Document Protocol Report 2011

Chief Suhr talked about recent events in the department during the past week including Take your Child to School Day, a basketball tournament sponsored by Bank of America, meeting with Supervisor Campos about youth programs. The Chief then talked about recent vandalisms in the Mission and the Mission Station. The Chief also talked about recent Occupy march and the arrest of 26 individuals.

Commissioner Chan requested that CIT and Language Access be included in next year's Annual Report.

Sergeant Mike Nevin presented the 1st Quarter FDRB Findings & Recommendations and the OIS Investigative Summary.

Captain Greg McEachern presented the Document Protocol Report of 2011. Ms. Samara Marion also addressed the Commission.

b. OCC Director's Report
- Review of recent activities
- Presentation of the OCC's 2011 Annual Report

Director Hicks presented the OCC's 2011 Annual Report. She also went on to acknowledge members of her staff that were present.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

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Commissioner Mazzucco reported on recent radio program of Dr. Marshall with the Youth Commission. Commissioner Mazzucco then thanked the Mayor and his staff for his reappointment and thanked his fellow commissioners for their support.

Commissioner Marshall spoke briefly about the Youth Commission and the Street Soldiers Program.

Commissioner Chan congratulated Commissioner Mazzucco for his reappointment and thanked Commissioner Marshall for his show with the Youth Commission.

Commissioner Turman congratulated Commissioner Mazzucco for his reappointment and thanked Commissioner Marshall for his engagement with the Youth Commission. Commissioner Turman also welcomed Commissioner Loftus.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Inspector Monroe announced that there is no meeting next week and that the Awards Ceremony will be on May 30th, at 6 p.m., to be held at UCSF Mission Bay Campus.

Commissioner Mazzucco talked about a program with Supervisor Kim regarding exploratory discussion about going into high schools to talk about the police department.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.10, "FIREARM DISCHARGE REVIEW BOARD"

Put over at to May 23rd.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

None

CLOSED SESSION (6:15 p.m. to 7:10 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of amended disciplinary charges filed in Case No. JWA C11-001, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom) Resolution No. 12-27

Assigned to Commissioner DeJesus.

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Kingsley for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 7-0.

Thereafter, the meeting was adjourned at 7:15 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 16, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of the Chief of Police to accept donation of $5,000.00 from Ms. Karen Fireman for the use of the SFPD Mounted Unit

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of a Certificate of Appreciation
      - Review of recent activities
      - Update on timeline of OCC Policy Recommendations regarding DGO 5.05, "Response and Pursuit Driving," DGO 5.01, "Use of Force," and DGO 5.20, "Language Access Services for LEP Persons"
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the Periods April 1, 2012 through April 30, 2012 and January 1, 2011 through April 30, 2011 and Adjudication of Sustained Complaints in April 2012
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in Closed Session (ACTION)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 16, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

6. **Closed Session – Disciplinary Cases**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-001) (DISCUSSION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2011-0110 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Reassignment of disciplinary charges filed in Case No. ALW C12-009 to a new Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C11-211, and to decide penalty, if necessary (ACTION)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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MAY 16, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Turman
ABSENT: Commissioner DeJesus

(Commissioner Turman arrived at 5:40 p.m.; Commissioner Marshall arrived at 6:30 p.m.)

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation of $1,000.00 from Ms. Karen Fireman for the use of the SFPD Mounted Unit**

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 4-0.

PUBLIC COMMENT

None

RESOLUTION 12-28

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR THE SFPD MOUNTED UNIT OF $1,000.00 FROM MS. KAREN FIREMAN

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for the SFPD Mounted Unit of $1,000.00 from Ms. Karen Fireman.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

PUBLIC COMMENT

Ray Hartz, SF Open Government, spoke in regards to an incident in the San Francisco Public Library and his request for an immediate disclosure request from the Department.

Clyde discussed concerns regarding being handcuffed and commended the OCC for their Annual Report.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Presentation of a Certificate of Appreciation**
- **Review of recent activities**
- **Update on timeline of OCC Policy Recommendations regarding DGO 5.05, "Response and Pursuit Driving," DGO 5.01, "Use of Force," and DGO 5.20, "Language Access Services for LEP Persons"**

Captain Mannix presented a Certificate of Appreciation to Mr. Harold Soriano.

Chief Suhr announced that SF Weekly awarded the Tenderloin Station with the Best Police Station Award and congratulated Captain Garrity and members of the Tenderloin Station.

Chief Suhr then updated the Commission in regards to recent officer-involved shootings and recent incidents of homicides, three homicides total. The Chief also reported on recent events attended by the command staff.

Commander Tomioka presented the update on OCC policy recommendations regarding DGOs 5.05, 5.01, and 5.20.

b. **OCC Director's Report**
- **Review of recent activities**

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- **Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the periods April 1, 2012 through April 30, 2012 & January 1, 2011 through April 30, 2011 and Adjudication of Sustained Complaints in April 2012**

Director Hicks reported on recent activities including cases opened and cases mediated.

Director Hicks then presented the OCC's Monthly Comprehensive Statistical Report for the periods of April 1, 2012 to April 30, 2012, and companion reports and went on to talk about adjudication of sustained complaints.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on recent activities and talked about recent signing of the Board of Supervisors' ordinance in regards to the joint terrorism task force MOU.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Commissioner Chan would like DGOs 5.01 and 5.0S be calendared for July 11, 2012.

PUBLIC COMMENT

Ray Hartz, SF Open Government, spoke in regards to revision of department general orders and spoke in regards to OCC statistical reports.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Turman. Approved 6-0.

CLOSED SESSION (6:35 p.m. – 8:35 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-001)
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Sergeant Kim, Sergeant Crudo, Lt. Yick, Inspector McDonald)

b. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2011-0110 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Attorney Worsham, Mr. Steve Johnson)

Assigned to Commissioner Loftus. (Resolution No. 12-29)

c. **PERSONNEL EXCEPTION: Reassignment of disciplinary charges filed in Case No. ALW C12-009 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Turman, Deputy City Attorney Bliss, Chief Suhr, Commander Tomioka, Attorney Worsham, Inspector Monroe, Risa Tom)

Assigned to Commissioner Loftus. (Resolution No. 12-30)

d. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C11-211, and to decide penalty, if necessary**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Turman, Deputy City Attorney Bliss, Chief Suhr, Commander Tomioka, Attorney Worsham, Attorney Shea, Mr. Steve Johnson, Inspector Monroe, Risa Tom, and member involved)

(Resolution No. 12-26)

(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates.)

e. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 6-0

Thereafter, the meeting was adjourned at 8:40 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 23, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response., Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's First Quarter 2012 Statistical Report
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Discussion and possible action to adopt or take other action regarding revised Department General Order 3.10, "Firearm Discharge Review Board" (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in closed session (ACTION)

05-18-12P01:41 RCVD

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Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 23, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2010-0155 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-002) (DISCUSSION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Tenderloin District at the Community Center, 201 Turk Street, San Francisco, on Wednesday, June 27, 2012, at 6 p.m., to hear comments from the public and Tenderloin Station Captain John Garrity concerning public protections issues in the Tenderloin District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

NOTICE OF CANCELLATION OF MEETING

SAN FRANCISCO POLICE COMMISSION
CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA

The Police Commission Meeting scheduled for Wednesday, May 23, 2012, has been cancelled. Please join the Commission at its next regular meeting on Wednesday, June 6. 2012, at 5:30 p.m., in Room 400, City Hall.

05-22-12P03:39 RCVD

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SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING

MEDAL OF VALOR AWARDS CEREMONY

WEDNESDAY, MAY 30, 2012
Mission Bay Conference Center at UCSF
Robertson Auditorium
1675 Owens Street
San Francisco
6:00 p.m.

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 6, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

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2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Election of Commission Officers (ACTION ITEM)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in closed session (ACTION)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 6, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2010-0155 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-002) (DISCUSSION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

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1. The Commission will meet in the Tenderloin District at the Community Center, 201 Turk Street, San Francisco, on Wednesday, June 27, 2012, at 6 p.m., to hear comments from the public and Tenderloin Station Captain John Garrity concerning public protections issues in the Tenderloin District.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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JUNE 6, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus,
ABSENT: Commissioner Turman

Commissioner Mazzucco announced that the election of officers will be put over when all Commissioners are present. Commissioner Turman is excused tonight doing the AIDS Bike Ride. Commissioner Mazzucco also congratulated Commissioner DeJesus for being elected to the Democratic Central Committee.

PUBLIC COMMENT

Ace Washington asked for more time to speak in regards to disrespect to the African American community in San Francisco.

Clyde spoke in regards to pensions.

Kim Carter, Union Local 21, representing criminalist, spoke in regards to concerns about road conditions at the crime lab route. (Documents submitted)

Representative Local 21, spoke in regards to an employee being hurt while on his motorcycle and spoke further in regards to danger to employees because of lack of phone reception and expressed concerns for crime lab employees, and asked that the Department provide a guard for employees.

Deputy Chief Cashman responded to concerns by Local 21.

Meesha Irizarry discussed concerns regarding the death of Kenneth Harding and a request for the video from Muni.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Deputy Chief Cashman, for Chief Suhr, and spoke regarding recent activities around the department: Carnival, 75th Anniversary of the Golden Gate Bridge, Union Street Fair, Black & White Ball, and the visit of the President. Chief Cashman also spoke about the Mayor's Hiring Plan.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks announced that the OCC received an award for Excellence in Alternative Resolution Practices from community boards, Senator Leno, and Supervisor Chiu. Director Hicks went on to thank Donna Salazar for her work in mediations.

Ms. Donna Salazar addressed the Commission in regards to mediation and thanked the Department, the POA, the community boards, the trainers, and the staff of the OCC.

Director Hicks went on to report about complaints received, cases closed, pending cases, mediations, and sustained cases. The Director also reported on the Controller's Audit Report. The Director also talked about the budget.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on recent activities and explained the cancellation of a meeting two weeks ago. Commissioner Mazzucco also spoke in regards to the recent Awards Ceremony.

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Commissioner Loftus spoke in regards to the Awards Ceremony and in particular Officers Tursi and Griffin who was also recognized by the Office of the State Attorney General.

Commissioner Chan spoke in regards to arrests made of suspects in scams against the Chinese community.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Inspector Monroe announced that on June 13th the Commission will not meet and that on June 27th the meeting will be in the Tenderloin District.

PUBLIC COMMENT

Emile Lawrence asked for copy of the OCC report.

ELECTION OF COMMISSION OFFICERS

Put over.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION (6:40 p.m. - 7:00 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2010-0155 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Porter, Inspector Monroe, Risa Tom, Sgt. Jusino, Mr. Steve Johnson)

Assigned to Commissioner DeJesus. (Resolution No. 12-31)

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-002)
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Porter, Inspector Monroe, Risa Tom, Sgt. Jusino, Sgt. Crudo, Lt. Yick, Sgt. McDonald)

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Porter, Inspector Monroe, Risa Tom, Sgt. Jusino)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 6-0

Thereafter, the meeting was adjourned at 7:00 p.m.

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, June 13, 2012.**
Please join the Commission at its next meeting on

Wednesday, June 20, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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1. The Commission will meet in the Tenderloin District at the Community Center, 201 Turk Street, San Francisco, on Wednesday, June 27, 2012, at 6 p.m., to hear comments from the public and Tenderloin Station Captain John Garrity concerning public protection issues in the Tenderloin District.

06-07-12P01:53 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 20, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of Captain John Garrity to accept gift of 60 T-shirts from Macy's Corp to the Tenderloin Police Station to be donated towards the Tenderloin Station National Night-Out Event, valued at $480.00

06-15-12P12:55 RCVD

2. **General Public Comment**

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3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's First Quarter 2012 Quarterly Reports
      - Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the Periods January 1, 1, 2012 through May 31, 2012 and January 1, 2011 through May 31, 2011, and Adjudication of Sustained Complaints in May 2012
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4 Election of Commission Officers (ACTION ITEM)

5. Public comment on all matters pertaining to Item 7 below, Closed Session, including public comment on vote whether to hold Item 7 in closed session.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 20, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Vote on whether to hold Item 7 in closed session (ACTION)

7. **Closed Session**
Roll Call;

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. ALW D11-2401/IAD 2010-0268 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

9. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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JUNE 20, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Turman

(Commissioner Kingsley arrived at 5:45 p.m.; Commissioner DeJesus arrived at 6:04 p.m.)

The Commission commended and thanked Lt. Reilly, who will be retiring at the end of the week, for his work with the Commission.

CONSENT CALENDAR

- **Request of Captain John Garrity to accept gift of 60 t-shirts from Macy's Corp to the Tenderloin Police Station to be donated towards the Tenderloin Station National Night-Out Event, valued at $480.00**

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 6-0.

PUBLIC COMMENT

None

RESOLUTION 12-32

APPROVAL OF THE REQUEST OF CAPTAIN JOHN GARRITY TO ACCEPT GIFT OF 60 T-SHIRTS FROM MACY'S CORP TO THE TENDERLOIN POLICE STATION TO BE DONATED TOWARDS THE TENDERLOIN STATION NATIONAL NIGHT-OUT EVENT, VALUED AT $480.00

RESOLVED, that the Police Commission hereby approves the request of Captain John Garrity to accept gift of 60 T-shirts from Macy's Corp to the Tenderloin Police Station to be donated towards the Tenderloin Station National Night-Out Event, valued at $480.00.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

PUBLIC COMMENT

Patricia Boyd spoke of crimes in the Cow Hollow district and the upcoming America's Cup.

Ace Washington thanked the Chief and then went on to talk about the African American out migration.

Eric King asked about an incident in the mid 90s with the FBI and asked if the OCC investigated the matter.

Unidentified congratulated Commissioner DeJesus and thanked Commissioner Kingsley for doing a ride-along. He went on to discuss concerns regarding Commissioner Mazzucco's comments about officers involved in the shooting of Kenneth Harding.

Clyde spoke in regards to an officer involved shooting in Oakland.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr gave a brief update on crime statistics, homicides at 34. Chief Suhr also talked about promotions of 15 lieutenants and 19 sergeants. Chief Suhr then went on to talk about recent events around the Department.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's First Quarter 2012 Quarterly Reports**

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- Presentation of the OCC's Monthly Comprehensive Statistical Report and Companion Reports for the periods January 1, 2012 through May 31, 2012 & January 1, 2011 through May 31, 2011 and Adjudication of Sustained Complaints in May 2012

Director Hicks reported on recent activities including cases opened and cases mediated.

Director Hicks then presented the OCC's First Quarter 2012 Quarterly report and the Monthly Comprehensive Statistical report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco has no report.

Commissioner Kingsley talked about her ride-along in the Mission District and her tour of the Mission Station and thanked the officers involved.

Commissioner Turman talked about the Glide Memorial's 5th Anniversary of the Domestic Violence Women's Program and went on to commend Commanders Biel and Ali for their attendance. Commissioner Turman also commended the Department for their actions this past weekend.

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

Lieutenant Reilly announced that the Commission will meet in the Tenderloin District on June 27th.

Commissioner Mazzucco also announced that there will be no meeting on July 4th but will meet on July 11th.

PUBLIC COMMENT
None

ELECTION OF COMMISSION OFFICERS

ELECTION OF PRESIDENT:

Motion by Commissioner Chan, second by Commissioner Kingsley nominated Commissioner Mazzucco as President.

PUBLIC COMMENT
Unidentified nominated Commissioner DeJesus for President.

ELECTION OF VICE PRESIDENT:

Commissioner Kingsley nominated Dr. Joe Marshall for Vice President, second by Commissioner Loftus.

Commissioner DeJesus nominated Commissioner Turman for Vice President, second by Commissioner Chan.

Discussion on the motions then followed.

(The Commission took a brief recess at 6:53 p.m. and reconvened at 7:00 p.m.)

PUBLIC COMMENT
None

Roll call vote on the two nominations:

Commissioner DeJesus voted for Commissioner Turman
Commissioner Chan voted for Commissioner Turman
Commissioner Kingsley voted for Commissioner Marshall
Commissioner Turman voted for himself
Commissioner Loftus voted for Commissioner Marshall
Commissioner Marshall voted for himself
Commissioner Mazzucco voted for Commissioner Marshall

RESOLUTION NO. 12-33

ELECTION OF PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Thomas P. Mazzucco shall serve as President of the San Francisco Police Commission.

AYES: Commissioners Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Mazzucco

ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Joe Marshall shall serve as Vice President of the San Francisco Police Commission.

AYES: Commissioners Kingsley, Loftus, Marshall, Mazzucco
NAYS: Commissioners DeJesus, Chan, Turman

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 7-0.

CLOSED SESSION (7:09 p.m. – 7:18 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. ALW D11-2401/IAD 2010-0268 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Turman, Chief Suhr, Commander Tomioka, Inspector Monroe, Lt. Reilly, Attorney Worsham, Mr. Steve Johnson)

Assigned to Commissioner Kingsley. (Resolution No. 12-34)

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases** (Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Inspector Monroe, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Marshall for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner DeJesus. Approved 7-0.

Thereafter, the meeting was adjourned at 7:20 p.m.

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SUZY LOFTUS
Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 27, 2012
6:00 p.m.

TENDERLOIN DISTRICT
Community Center
201 Turk Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of Officer Philip Helmer to accept a gift of a commemorative wooden jewelry box from the United States Golf Association (USGA), valued at $75.00

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2. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings

3. Captain John J. Garrity, Commanding Officer of Tenderloin Station, to address the Commission on Police Activities in the Tenderloin District (DISCUSSION)

4. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

5. **Adjournment** (ACTION)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held in the Tenderloin District, Community Center, 201 Turk Street, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667.

JUNE 27, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Tenderloin District, 201 Turk Street, San Francisco, at 6: 10 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus
ABSENT: Commissioners DeJesus, Turman

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

CONSENT CALENDAR

- **Request of Officer Philip Helmer to accept a gift of a commemorative wooden jewelry box from the United States Golf Association (USGA), valued at $75.00**

Commissioners Loftus and Kingsley commended Officer Helmer for his actions.

Motion by Commissioner Marshall, second by Commissioner Loftus. Approved 5-0.

PUBLIC COMMENT
None

RESOLUTION 12-35

APPROVAL OF THE REQUEST OF OFFICER PHILIP HELMER TO ACCEPT A GIFT OF A COMMEMORATIVE WOODEN JEWELRY BOX FROM THE UNITED STATES GOLF ASSOCIATION (USGA), VALUED AT $75.00

RESOLVED, that the Police Commission hereby approves the request of Officer Philip Helmer to accept a gift of a commemorative wooden jewelry box from the United States Golf Association (USGA), valued at $75.00.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus
ABSENT: Commissioners DeJesus, Turman

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr reported on recent activities in the department including the Pride celebration and gave a brief update on crime statistics and staffing. The Chief also talked about the Police Foundation and its recent event at John's Grill.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks introduced herself and Chief Investigator Galman, and went on to talked about the duties and responsibilities of the OCC.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on attending the press conference about the new technology for the Police Department.

Commissioner Chan talked about attending an event with Fiona Ma's interns.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Insp. Monroe announced that there will be no meeting next week, July 4th.

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PUBLIC COMMENT

Ace Washington talked about the African-American out migration.

Unidentified talked about the California Vehicle Code pertaining to wearing helmets when riding motorcycles.

CAPTAIN JOHN GARRITY, COMMANDING OFFICER OF TENDERLOIN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Garrity addressed the Commission on police activities in the Tenderloin District and went on to talked about crime statistics and the demographic of the Tenderloin District.

PUBLIC COMMENT

Pat Zamora, Boys and Girls Club SF, talked about the Safe Passage Steering Committee and asked for support to continue their efforts with safety for the kids in the neighborhood.

M.J., talked about walking with her camera and taking pictures of people who sells drugs in the neighborhood. She went on to talk about concerns about drugs in the community. She asked for help from the Commission to put more police officers in the streets.

Clyde talked about how the Tenderloin is a unique community and commended Captain Garrity.

Michael Naulty, Alliance for a Better District 6, congratulated the Tenderloin District in staying number 1 for arrests. He went on to talk about the problem of resale of drugs in the community. He also talked about lack of open space in the district.

Abdulla Foley II discussed concerns about not having enough space to play ball in the neighborhood and asked for more playgrounds.

Maria agreed with Abdulla that the district need more parks.

Susan Brandt, Eddy & Jones resident, asked what resources are available for veterans in the neighborhood.

Jessica talked about the yellow and orange bricks outside on the sidewalks and smoking.

Abdulla agreed with Jessica and talked about his brother who had an asthma attacked because of people smoking in the streets.

John Nulty talked about problems with smoking and what it's doing to the neighborhood and parks and in front of buildings. He went on to talk about concerns with the liquor establishments and asked that liquor permits should be online and accessible to the public.

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in memory of Sergeant Harold Butler, second by Commissioner Chan. Approved 5-0.

Commissioner Marshall also asked that the meeting be adjourned to honor the kids who spoke at tonight's public comment.

Thereafter, the meeting was adjourned at 8:30 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, July 4, 2012**.
Please join the Commission at its next meeting on

Wednesday, July 11, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

06-29-12A10:23 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 11, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of the Chief of Police to accept donation of $4,000.00 from Ms. Karen Fireman for the use of the SFPD Mounted Unit

2. **Adoption of the Minutes (ACTION)**
   - For the meetings of March 28th, April 4th, 18th, 25th, May 2nd, 16th, June 6th, 20th, & 27, 2012

3. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Update regarding revisions to DGO 5.05, "Response and Pursuit Driving," and DGO 5.01, "Use of Force"
      - Update on road conditions leading to the Crime Lab
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

5. Discussion and possible action to recommend that the Board of Supervisors accept a gift from Hewlett Packard to the San Francisco Police Department of sixty (60) laptops, valued at approximately $59,400.00 (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 11, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

6. Disposition of disciplinary charges filed against Assistant Patrol Special Officer Ernest Tachihara (File No. ALW C12-033), or discussion and possible action to sustain or not sustain specifications and to decide penalty, if necessary (ACTION)

7. Public comment on all matters pertaining to Item 9 below, Closed Session, including public comment on vote whether to hold Item 9 in closed session.

8. Vote on whether to hold Item 9 in closed session, including on whether to assert the attorney-client privilege with regard to Item 9 a & b (San Francisco Administrative Code Section 67.10) (ACTION)

9. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Saeed Ibrahim v. City and County of San Francisco, et al., United States District Court No. DV-11-1695-RS, filed 2/22/10
   Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement

   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Lepakshi Nadh Jilkara v. CCSF, SF Superior Court No. 510513, filed 4/26/11
   Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement

   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Decision to return Appeal of the Chief's Suspension filed in Case No. ALW D09-158 to the Chief's level for resolution (ACTION)

   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 11, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

10. Vote to elect whether to disclose any or all discussion on Item 9 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

11. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JULY 11, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, DeJesus, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner Mazzucco

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation of $4,000.00 from Ms. Karen Fireman for the use of the SFPD Mounted Unit**

Motion by Commissioner Chan, second by Commissioner Loftus. Approved 6-0.

PUBLIC COMMENT
None

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RESOLUTION 12-36

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR THE SFPD MOUNTED UNIT OF $4,000.00 FROM MS. KAREN FIREMAN

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for the SFPD Mounted Unit of $4,000.00 from Ms. Karen Fireman.

AYES: Commissioners Marshall, DeJesus, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner Mazzucco

ADOPTION OF THE MINUTES

- **For the meetings of March 28th, April 4th, 18th, 25th, May 2nd, 16th, June 6th, 20th, & 27, 2012**

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 6-0.

PUBLIC COMMENT
None

PUBLIC COMMENT

Ace Washington thanked the Chief for accepting his invitation to attend a meeting in the Northern and spoke in regards to the African American out migration and went on to talk about stop and frisk.

Clyde spoke in regards to stop and frisk.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Review of recent activities**
- **Update regarding revisions to DGO 5.05, "Response and Pursuit Driving," and DGO 5.01, "Use of Force"**
- **Update on road conditions leading to the Crime Lab**

Chief Suhr updated the Commission on recent activities in the Department and talked about recent violence in the Sunnydale. The Chief also talked about stop and frisk.

The Chief also gave a brief update regarding the revisions of DGOs 5.05 and 5.01. Next update will be August 15th.

Captain Cassanego and Lt. Perea updated the Commission regarding road conditions leading to the Crime Lab.

b. OCC Director's report
- Review of recent activities

Director Hicks updated the Commission on the OCC's June statistics and the OCC budget.

c. Commission reports
- Commission President's report
- Commissioners' reports

Commissioner Kingsley reported that she met with Director Hicks and Ms. Salazar in regards to the OCC's mediation program.

d. Commission announcements and scheduling of items identified for consideration at future Commission meetings

Inspector Monroe announced that the Commission will meet in the Ingleside on July 25th at the Our Lady of Visitacion School at 655 Sunnydale, starting at 6 p.m.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ACCEPT A GIFT FROM HEWLETT PACKARD TO THE SAN FRANCISCO POLICE DEPARTMENT OF SIXTY (60) LAPTOPS, VALUED AT APPROXIMATELY $59,400.00

Chief Suhr gave a brief background regarding the donation and went on to thank Hewlett Packard for their donation.

Motion by Commissioner Kingsley, second by Commissioner DeJesus. Approved 5-0.

Commissioner Turman asked to be recused due to his attorney-client relationship with HP.

Motion by Commissioner DeJesus, second by Commissioner Kingsley to recuse Commissioner Turman. Approved 5-0.

RESOLUTION NO. 12-37

APPROVAL TO RECOMMEND THAT THE BOARD OF SUPERVISORS ACCEPT A GIFT FROM HEWLETT PACKARD TO THE SAN FRANCISCO POLICE DEPARTMENT OF SIXTY (60) LAPTOPS, VALUED AT APPROXIMATELY $59,400.00

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors accept a gift from Hewlett Packard to the San Francisco Police Department of sixty (60) laptops, valued at approximately $59,400.00.

AYES:	Commissioners Marshall, DeJesus, Chan, Kingsley, Loftus
ABSENT:	Commissioner Mazzucco
RECUSED:	Commissioner Turman

DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FIL ENO. ALW C12-033), OR DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN SPECIFICATIONS AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Assistant Patrol Special Officer Tachihara appeared in person and was represent by Mr. Lou Silver, Attorney at Law.

(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR., Roomian and Associates)

HEARING OF ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA, STAR NO. 2511 (FILE NO. ALW C12-033)

The hearing of Assistant Patrol Special Officer Ernest Tachihara, Star No. 2511, was called it having been set for this date. Assistant Patrol Special Officer Tachihara was charged, in a properly verified complaint by Acting Chief Jeffrey Godown, former Acting Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Falsely Identifying Himself as a Peace Officer In an attempt to Purchase an "Off-list" Firearm (a violation of Rules 3.18 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants and Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Falsely Identifying Himself as a Peace Officer and Carrying a Concealed Weapon into City Arms While Dressed in Civilian Clothe (a violation of Rule 9 of Department General Order 2.01 and Rules 3.18 and 5:06 of the Interim Rules for Patrol Special Officers and their Assistants.);

SPECIFICATION NO. 3
Falsely Identifying Himself as a Peace Officer on Record of Sale for a Firearm and Application for Firearms Permit, and Falsely Facilitating the Sale of an "Off-List" Firearm (a violation of Rule 3.18 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants and Rule 9 of Department General Order 2.01);

SPECIFICATION NO. 4
Failure to Follow the Rules Regarding Use of Uniform and Equipment, Including His Firearm, While on Duty (a violation of Rules 4.20 and 5.06 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 5
Making False and Misleading Statements and Being Willfully and Knowingly Evasive During an Internal Affairs Division Interview (a violation of Rule 4.04 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Assistant Patrol Special Officer Ernest Tachihara appeared in person and was represented by Mr. Louis Silver, Attorney at Law.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 12-38

DECISION – HEARING OF ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C12-033)

WHEREAS, on February 14, 2012, Chief Gregory P. Suhr, Chief of Police of the San Francisco Police Department, made and served charges against Assistant Patrol Special Officer Ernest Tachihara, as follows:

GENERAL ALLEGATIONS

(1) At all times herein mentioned Ernest Tachihara, Star Number 2511, (hereinafter referred to as the "Accused") was and is an Assistant Patrol Special. The accused patrols a beat located in the Northern District.

(2) An Assistant Patrol Special is defined as "A private patrol person approved and appointed by the Police Commission and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employers beat." An Assistant Patrol Special is not the owner of a beat.

(3) Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco. An Assistant Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. (See the Interim Rules and Procedures for Patrol Special Officers and their Assistants, Adopted by the San Francisco Police Commission, December 10, 2008).

(4) Encompassed in those rules is the directive that Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments. (See Rule 3.12(A) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants.)

SPECIFICATION NO. 1

Falsely Identifying Himself as a Peace Officer In an attempt to Purchase an "Off-list" Firearm (a violation of Rules 3.18 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants and Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(5) The allegations incorporated in paragraphs (1) through (4) are incorporated by reference as though fully set forth herein.

(6) In August 2010, Lt. Parra #981 went to City Arms located at 90 Eureka Square, Suite D in Pacifica to respond to questions regarding Patrol Special Officers and Assistant Patrol Special Officers and whether or not they had peace officer status as defined by Penal Code §830.2.

(7) Lt. Parra informed the employees that Patrol Special Officers and Assistant Patrol Special Officers were not peace officers and that they were not allowed to purchase "non-roster" or "off-list" firearms. Lt. Parra also provided them and a copy of the prior PSO and APSO identification cards and current identification cards.

(8) "Non-roster" firearms or "Off-list" firearms are terms commonly used to define weapons that can only be sold to active peace officers. "Roster" is a term used to describe the list of approved handguns that can be sold legally in California to non-law enforcement individuals. Currently there are no Penal Code Statutes that criminalize the act of purchasing an "Off-list" firearm.

(9) On September 28, 2010, an employee from City Arms notified Lt. Parra that a Patrol Special or Assistant Patrol Special had attempted to purchase an "Off-list" firearm. This information was forwarded to Lt. Robert Yick, who at the time was the assigned Liaison for the Patrol Special Program.

(10) On September 30, 2010, Lt. Yick responded to City Arms and met with the owner, Vladimir Chaban and employee, Yan Traytel. They had described the individual as an Asian male in his 60's and stated that approximately six to seven

months prior this person had purchased a Mossberg shotgun 500 and a Glock 17 or 19 from City Arms. On that date six or seven months prior, the accused had introduced himself as a San Francisco Police Officer and presented an ID card which had a blue band on it. (The Patrol Special identification cards have yellow bands.)

(11) Lt. Yick showed Mr. Chaban and Mr. Traytel his SFPD ID and Mr. Traytel stated that the accused's ID was similar in appearance. Mr. Traytel also stated that the accused was in civilian clothes and carrying a concealed Glock firearm, on his person, when he came into City Arms.

(12) Both Mr. Chaban and Mr. Traytel identified the accused, Assistant Patrol Special Officer Ernest Tachihara as the person who attempted to purchase an "off-list" firearm, a 4th Generation Glock 22.

(13) According to Mr. Chaban, on or about September 16, 2010 or September 17, 2010, the accused telephoned City Arms and identified himself as a peace officer and ordered an "Off-list" 4th Generation Glock 22. The accused also provided his credit card information at that time.

(14) On September 23,2 010 or September 24, 2010, the accused arrived at City Arms to complete the transaction and Department of Justice Dealer Record of Sale paperwork ("DROS"). Mr. Chaban instructed his employee Mr. Traytel to complete the transaction. Mr. Traytel recognized the accused as a person who had legally purchased two firearms six or seven months prior.

(15) Mr. Traytel asked the accused for his identification and the accused presented his current Assistant Patrol special identification card which has the yellow band on the top. After looking at the identification presented by the accused and realizing the accused was not a peace officer, Mr. Traytel denied the purchase.

(16) According to Mr. Traytel, the accused became agitated and attempted to justify the purchase by stating that he was retired US Marshall. Mr. Traytel refused to complete the transaction and the accused left City Arms in an agitated state.

(17) Lt. Yick showed Mr. Traytel and Mr. Chaban a photo of the accused and both positively identified the accused as the person who attempted to purchase an "Off-list" firearm. Mr. Traytel signed and dated the photo and Mr. Chaban stated that he was unaware that the accused was not a peace officer.

(18) Additionally, both Mr. Chaban and Mr. Traytel stated that the accused has come into City Arms on several occasions dressed in his full uniform. When confronted with this allegation, the accused admitted, during his IAD interview, that he has gone into City Arms while in uniform and while on-duty. The accused attempted to justify leaving the Northern District and driving to Pacifica in full uniform by saying, "I was on my way back from taking care of some business, I'd swing by to pick up a gun. I mean, I'm on official business." City Arms is nowhere near any of his contractual obligations in San Francisco.

(19) The accused, by falsely identifying himself as a peace officer, in an attempt to purchase an "Off-list" firearm, engaged in serious misconduct by misrepresenting the truth to employees at City Arms in an effort to obtain a firearm that can only be sold to sworn peace officer. This misconduct reflects discredit upon the Department in violation of Rule 3.18 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants and Rule 9 of Department General Order 2.01 of the San Francisco Police Department. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 3.18 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants and Rule 9 of Department General Order 2.01 of the San Francisco Police Department, state:

"Rule 3.18 – PEACE OFFICER STATUS

Patrol Specials and Assistant Patrol Specials shall not represent that they are peace officers under the state law or that they are authorized to exercise peace officer powers."

"Rule 9 – MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Falsely Identifying Himself as a Peace Officer and Carrying a Concealed Weapon into City Arms While Dressed in Civilian Clothe (a violation of Rule 9 of Department General Order 2.01 and Rules 3.18 and 5.06 of the Interim Rules for Patrol Special Officers and their Assistants.);

(20) The allegations incorporated in paragraphs (1) through (19) are incorporated by reference as though fully set forth herein.

(21) Approximately six to seven months before the accused attempted to purchase the "Off-list" Glock 22, Generation 4 firearm, the accused purchased a Mossberg shotgun and Glock 17 or 19 from City Arms.

(22) Mr. Traytel remembered the accused because he introduced himself as a San Francisco Police Officer and presented his identification card. The identification card was predominantly white with a blue band on the top, similar to that of sworn members of the San Francisco Police Department.

(23) The accused was dressed in civilian attire and was carrying a concealed Glock firearm on his person. Mr. Traytel believed that the accused was a peace officer.

(24) The accused, by falsely identifying himself as a peace officer while dressed in civilian clothes and carrying a concealed firearm, engaged in misconduct that reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department and Rules 3.18 and 5.06 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 9 of DGO 2.01 and Rules 3.18 and 5.06 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, state:

"Rule 9 – MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

"Rule 3.18 – PEACE OFFICER STATUS
Patrol Specials and Assistant Patrol Specials shall not represent that they are peace officers under the state law or that they are authorized to exercise peace officer powers."

"Rule 5.06 – UNIFORM AND EQUIPMENT ITEMS DISPLY OFF DUTY
Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco."

SPECIFICATION NO. 3

Falsely Identifying Himself as a Peace Officer on Record of Sale for a Firearm and Application for Firearms Permit, and Falsely Facilitating the Sale of an "Off-List" Firearm (a violation of Rule 3.18 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants and Rule 9 of Department General Order 2.01);

(25) The allegations incorporated in paragraphs (1) through (24) are incorporated by reference as though fully set forth herein.

(26) In September 2010, the accused was told by Mr. Traytel of City Arms that he could not purchase an "Off-list" firearm because he was not a peace officer. A month later October 15, 2010, the accused went to Security Six located at 22698 Mission Boulevard in Hayward and purchased an "Off-list" firearm (Glock Model 22 Generation 4, .40 caliber, Serial #PHZ404).

(27) This transaction was investigated by the Internal Affairs – Criminal Division and the Internal Affairs Division. Sgt. Minner #149, of IAD-Criminal and Sgt. Wilhelm of the Internal Affairs Division, interviewed Larry Hamby, the owner of Security Six regarding the sale of the "Off-list" firearm to the accused.

(28) During his initial contact with Sgt. Minner, Mr. Hamby explained that he was not familiar with Patrol Special Officers and did not recall the sale in great detail. However, he did recall that the accused had an identification card that said "police" on it and he believed that the accused was a sworn police officer.

(29) Mr. Hamby stated that it was his normal practice to take orders over the telephone. If someone called to order a firearm that only law enforcement officers are able to purchase, his normal practice was to notify the customer and remind them to bring their law enforcement identification. In response, the customer would inform him as to whether or not they were sworn peace officers. Mr. Hamby stated he would then complete the Dealer's Record of Sale of Firearm ("DROS") paperwork on his computer, and provide the original to the customer for their review and signature when they came to pick up the firearm. The accused did not tell Mr. Hamby that he was not a sworn peace officer or that he was a Patrol Special Officer without peace officer status and Mr. Hamby does not recall the accused making any comments regarding his law enforcement status at the time of the transaction.

(30) During his interview with Sgt. Wilhelm of the Internal Affairs Division, Mr. Hamby acknowledged that he did recall the transaction with the accused.

(31) Mr. Hamby stated that the firearm the accused purchased was an "Off-list" firearm because of its high capacity magazine. According to Mr. Hamby, due to the high capacity magazine, the firearm purchased by the accused is only for police officers or commissioned officers. The Glock 22 Generation 4, which was purchased by the accused, is a fifteen-round magazine and in order to sell the same weapon to the general public, the firearm could only have a ten-round magazine.

(32) Mr. Hamby stated that the accused showed him an identification card that had the "San Francisco Police Department' prominently featured, and a star that had "San Francisco Police" prominently displayed. The back side of the identification card had "San Francisco Police Department" displayed at the top and stated that the card was the property of the San Francisco Police Department. Although the words "Assistant Patrol Special Officer" appeared on the ID, Mr. Hamby believed the accused was part of a specialized unit within the Department. Sgt. Wilhelm showed Mr. Hamby the accused's current Assistant Patrol Special identification card, which was also current at the time of this purchase, and Mr. Hamby stated that the accused never showed him that identification card.

(33) Mr. Hamby provided the original DROS form and stated that the accused signed and placed his finger print on the form. The accused signed this form under "penalty of perjury" that the information contained on the form was true and correct. Under the category "EXEMPTION TYPE" are the words "peace officer."

Although Mr. Hamby typed in this information, the accused acknowledged that the information was true and correct. Under the heading "Transaction Type," Mr. Hamby typed in the words "Non-Roster Peace Officer." The accused acknowledged that this information was true and correct by signing the form and allowing Mr. Hamby to complete the transaction.

(34) In addition to misleading Mr. Hamby into believing he was a peace officer, the accused falsely identified himself as a peace officer on the Application for Firearms Permit on December 22, 2009. Mr. Hamby stated that the accused filled out this application for the firearms permit renewal and he kept this form on file as part of his business, Mr. Hamby also conducts range qualifications for security personnel who have firearm permits This application has a section related to "peace officer" status and the first question specifically asked if the person filling out the application was an "active duty peace officer," as defined in Chapter 4.5 (commencing with section 890) of Title 3 of Part 2 of the Penal Code?" The accused checked the box marked "yes" to this question.

(35) In addition to falsely identifying himself as a peace officer to Mr. Hamby and attesting under penalty of perjury that he was a peace officer on an application for a firearms permit, the accused contacted Mr. Hamby regarding this case. According to Mr. Hamby, the accused called him and told him that he had an IAD interview. The accused also told Mr. Hamby that everything was cleared up. Mr. Hamby told the accused that he could not discuss the case with him and the accused continued to tell him that the matter was resolved. Mr. Hamby ended the conversation and the accused continued to call his business for several days.

(36) The accused, by falsely representing on his Application for a Firearm's Permit that he was a peace officer and by fraudulently facilitating the sale of an "off-list" firearm which included signing the DROS under penalty of perjury, engaged in serious misconduct that not only placed the public in jeopardy, it also placed Security Six and Mr. Hamby in jeopardy of criminal prosecution and significant fines for the firearms transaction. This conduct reflects discredit upon the Department in violation of Rule 3.18 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants and Rule 9 of Department General Order 2.01. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 3.18 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants and Rule 9 of Department General Order 2.01, state:

"Rule 3.18 – PEACE OFFICER STATUS
Potrol Specials ond Assistant Patrol Specials shall not represent that they ore peoce officers under the state law or that they are authorized to exercise peace officer powers."

"Rule 9 – MISCONDUCT. Any breoch of peoce, neglect of duty, misconduct or any conduct by on officer either within or without the stote thot tends to subvert the order, efficiency or discipline of the Deportment, or reflects discredit upon the Deportment or any member, or is prejudicial to the efficiency ond discipline of the Deportment, olthough not specifically defined or set forth in Deportment policies ond procedures, sholl be considered unofficer-like conduct subject to disciplinory oction."

SPECIFICATION NO. 4
Failure to Follow the Rules Regarding Use of Uniform and Equipment, Including His Firearm, While on Duty (a violation of Rules 4.20 and 5.06 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(37) The allegations incorporated in paragraphs (1) through (36) are incorporated by reference as though fully set forth herein.

(38) During the course of the IAD interview, Mr. Traytel stated that the accused had come into City Arms (located in Pacifica) several times dressed in his full uniform.

(39) The accused, during his IAD interview, admitted that he has gone to City Arms while on-duty. The accused attempted to justify his actions by saying, "I was on my way back from taking care of some business, I'd swing by to pick up a gun. I mean I'm on official business."

(40) The accused, by repeatedly traveling to City Arms dressed in full uniform and on-duty, engaged in conduct that reflects discredit upon the Department in violation of Rules 4.20 and 5.06 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rules 4.20 and 5.06 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, state:

"4.20 – CONDUCT. Any canduct by a Patral Special Officer ar an Assistant while an patral which canstitutes a breach af peace or a failure ta perfarm his ar her cantractual duties, or any canduct by a Patrol Special ar Assistant Patrol Special while working which undermines his ar her ability to discharge contractual duties which reflects discredit upan the Department (thaugh such affense are nat specifically defined ar laid dawn in these rules and pracedures) shall be considered miscanduct subjecting the Patrol Special ar Assistant Patral Special ta disciplinary actian as herein set farth."

"Rule 5.06 – UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY
Patral Specials and Assistant Patral Specials shall nat wear ar use any uniform or equipment item, including weapans, except en raute ta and fram their beats, and while an-duty as a Patral Special Officer ar Assistant Patrol Special Officer in the City and Caunty af San Francisca."

SPECIFICATION NO. 5
Making False and Misleading Statements and Being Willfully and Knowingly Evasive During an Internal Affairs Division Interview (a violation of Rule 4.04 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants).

(41) The allegations incorporated in paragraphs (1) through (40) are incorporated by reference as though fully set forth herein.

(42) As previously stated, an Assistant Patrol Special is defined as "A private patrol person approved and appointed by the Police Commission and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employer's beat." An Assistant Patrol Special is not the owner of a beat.

(43) A "beat" is defined as "that area of patrol within which a Patrol Special Officer has contracted with private persons or businesses to perform security duties with permission granted from the Police Commission, per Charter section 4.127."

(44) As part of his investigation, the accused was interviewed on January 10, 2012. During that interview, the accused admitted that he had been administratively running Patrol Special Beat 72.

(45) The accused admitted that he collects money directly from merchants and is currently working and administratively running beat 72.

(46) The accused stated that he had the express permission of the current President of the San Francisco Police Commission to administratively run Beat 72 despite the fact the accused is an Assistant Patrol Special Officer. The accused stated that he submitted a letter to the current President of the Police Commission and sent letters to the Merchants

(47) The President of the San Francisco Police Commission was contacted by Internal Affairs and stated he never gave the accused permission to administratively rune Beat 72 and that he does not have the authority to grant such permission.

Furthermore, he stated that the only statement made to the accused regarding Beat 72 was that the accused should try to purchase the beat.

(48) In addition to falsely stating that the President of the Police Commission gave him permission to run Beat 72, the Accused has demonstrated a pattern of misrepresenting the truth when questioned on matters related to his employment and the purchase and attempted purchase of firearms. Mr. Chaban, Mr. Traytel, and Mr. Hamby all stated that the accused represented himself as a San Francisco Police Officer. Throughout his IAD interview, the accused repeatedly denies these statements and attributes all inaccurate statements to Mr. Chaban, Mr. Traytel, and Mr. Hamby.

(49) The accused, by falsely stating that the President of the Police Commission gave him permission to run Beat 72 and by repeatedly failing to answer questions related to his employment truthfully and without evasion, engaged in conduct that reflects discredit upon the Department in violation of Rule 4.04 of the Interim Rules for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rule 4.04 of the Interim Rules for Patrol Special Officers and Their Assistants, states:

"4.04. INVESTIGATIONS. Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion."

LIMITATIONS PERIOD

(50) Although the Interim Rules for Patrol Special Officers and Their Assistants do not reference a time limit with regards to notice of pending allegations of misconduct, these matters described herein were the subject of criminal investigations by the San Francisco Police Department, San Francisco District Attorney's Office, and the Alameda County District Attorney's Office. The San Francisco District Attorney's Office declined to prosecute on or about December 13, 2011, due to lack of jurisdiction and the Alameda County District Attorney's Office issued declination letter on January 4, 2012.

PENALTIES:

(51) If the Specifications are sustained after trial by the Police Commission, the Department will recommend that the Commission revoke the accused's appointment.

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on April 30, 2012, May 21, 2012, and on July 11, 2012, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission decided the following:

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Marshall, DeJesus, Chan, Turman, Loftus
RECUSED: Commissioner Kingsley
ABSENT: Commissioner Mazzucco

SPECIFICATION NO. 2 - Not Sustained

AYES: Commissioners Marshall, Loftus
NAYS: Commissioners DeJesus, Turman, Chan
RECUSED: Commissioner Kingsley
ABSENT: Commissioner Mazzucco

SPECIFICATION NO. 3 - Sustained

AYES: Commissioners Marshall, DeJesus, Chan, Turman, Loftus
RECUSED: Commissioner Kingsley
ABSENT: Commissioner Mazzucco

SPECIFICATION NO. 4 - Sustained

AYES: Commissioners Marshall, DeJesus, Chan, Turman, Loftus
RECUSED: Commissioner Kingsley
ABSENT: Commissioner Mazzucco

SPECIFICATION NO. 5 - Dismissed

AYES: Commissioners Marshall, Chan, DeJesus, Turman, Loftus
RECUSED: Commissioner Kingsley
ABSENT: Commissioner Mazzucco

RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the Patrol Special Officer Program, the Police Commission orders that the appointment of Assistant Patrol Special Officer Ernest Tachihara as Assistant Patrol Special Officer be revoked effective immediately.

AYES: Commissioners Marshall, DeJesus, Chan, Turman, Loftus
RECUSED: Commissioner Kingsley
ABSENT: Commissioner Mazzucco

(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR, Roomian & Associates)

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

Unidentified discussed concerns regarding holding closed session on settlement matters.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION (7:34 p.m. – 8:30 p.m.)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Saeed Ibrahim v. City and County of San Francisco, et al., US District Court No. DV-11-1695-RS
(Present: Commissioners Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Porter, Chief Suhr, Commander Tomioka, Inspector Monroe, Sergeant Jusino) Resolution No. 12-39

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Lepaskshi Nadh Jilkara v. CCSF, SF Superior Court No. 510513
(Present: Commissioners Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Porter, Chief Suhr, Commander Tomioka, Inspector Monroe, Sergeant Jusino) Resolution No. 12-40

PERSONNEL EXCEPTION: Decision to return Appeal of the Chief's Suspension filed in Case NO. ALW D09-158 to the Chief's level for resolution
(Present: Commissioners Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Porter, Chief Suhr, Commander Tomioka, Inspector Monroe, Sergeant Jusino, Attorney Worsham) Resolution No. 12-41

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Chan for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 6-0.

Thereafter, the meeting was adjourned at 8:30 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of Certification of Appreciation
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the Monthly Comprehensive Statistical Reports & Companion
      - Reports for the periods January 1, 2012 through June 30, 2012 & January 1, 2011 through June 30, 2011
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in closed session, including on whether to assert the attorney-client privilege with regard to Item 5a, b, & c (San Francisco Administrative Code Section 67.10) (ACTION)

5. **Closed Session – Disciplinary Cases**
   Roll Call;

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
      CONFERENCE WITH LEGAL COUNSEL – Pending Litigation
      Discussion with counsel on pending litigation

07-13-12P02:45 RCVD

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Fred Broussard vs. CCSF, et al., United States District Court No. CV10-4997
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement

c. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
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Wilson et al. v. CCSF, United States District Court No. C07-01016
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Ingleside District at the Our Lady of Visitacion School, 655 Sunnydale Avenue, San Francisco, on Wednesday, July 25, 2012, at 6 p.m., to hear comments from the public and Ingleside Station Captain Dan Mahoney concerning public protections issues in the ingleside District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

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L. JULIUS TURMAN
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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

SF
P45
#1
7/18/12
amended

1. **General Public Comment**
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2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of Certification of Appreciation
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through June 30, 2012 & January 1, 2011 through June 30, 2011
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

07-16-12P01:57 RCVD

3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in closed session, including on whether to assert the attorney-client privilege with regard to Item 5a, b, & c (San Francisco Administrative Code Section 67.10) (ACTION)

5. **Closed Session – Disciplinary Cases**
   Roll Call;

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
      CONFERENCE WITH LEGAL COUNSEL – Pending Litigation
      Discussion with counsel on pending litigation

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
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5. b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
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Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement, filed 10/4/10

c. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Wilson et al. v. CCSF, United States District Court No. C07-01016
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement, filed May 2007

d. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Brock Rasmussen v. CCSF, San Francisco Superior Court No. CGC-10-495963
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement, filed 1/11/10

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION) PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
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Pledge of Allegiance; Roll Call

1. **General Public Comment**
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   c. Commission reports (DISCUSSION)
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   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in closed session, including on whether to assert the attorney-client privilege with regard to Item 5 a & b (San Francisco Administrative Code Section 67.10) (ACTION)

5. **Closed Session**
   Roll Call;

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
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PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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NOTICE OF CANCELLATION OF MEETING

SAN FRANCISCO POLICE COMMISSION
City Hall, Room 400
San Francisco

The Police Commission regrets that the meeting scheduled for Wednesday, July 18, 2012, has been cancelled. Please join the Commission at its next meeting on Wednesday, July 25, 2012, at 6:00 p.m., in the Ingleside District, at Our Lady of Visitacion School, 655 Sunnydale Avenue, San Francisco.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 25, 2012
6:00 p.m.

INGLESIDE DISTRICT
Our Lady of Visitacion School
655 Sunnydale Avenue
San Francisco

SF
PMS
#1
7/25/12

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings

2. Captain Daniel Mahoney, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District (DISCUSSION)

3. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questians presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Adjournment** (ACTION)

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JULY 25, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Ingleside District, Our Lady of Visitacion School, 655 Sunnydale Avenue, San Francisco, at 6:06 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus
ABSENT: Commissioners DeJesus, Turman

(Commissioner Marshall arrived at 6:11 p.m.)

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities

Chief Suhr reported on recent activities in the department. The Chief gave a brief update on crime statistics including recent crimes in the Asian community. Chief Suhr also talked about the recent officer-involved shooting in the Central District. Chief Suhr thanked Our Lady of Visitacion School for hosting the meeting.

b. OCC Director's Report
- Review of recent activities

Director Hicks introduced herself and Sr. Investigator Edward McMahon. Director Hicks went on to talk about the duties and responsibilities of the OCC.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco talked about the recent Promotional Ceremony and the press conference regarding the recent officer-involved shooting. Commissioner Mazzucco thanked the San Jose Police Officers present at the recent Breast Cancer Walk.

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

ACTING CAPTAIN GREG YEE FOR CAPTAIN DANIEL MAHONEY, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

A/Captain Yee addressed the Commission on police activities in the Ingleside District and went on to talked about crime statistics and the demographic of the Ingleside District.

Commissioner Mazzucco thanked the Pastor of Our Lady of Visitacion for hosting the meeting.

A/Ca

PUBLIC COMMENT

Sharon Hewitt thanked the Commission, Chief Suhr, and Mr. Henry Alvarez of the Housing Authority. She went on to talk about mental health issues. She went on to commend Commissioner Marshall for his support of the Ambassador Program. She asked the support of the Commission for cameras around the housing developments and asked for language access for all the residence.

Marlene Tran, Visitacion Asian Alliance, talked about recent immigrants to Visitacion Valley and talked about recent request to Captain Mahoney about how to better inform the community of what's happening around the district.

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Steven Currier commended Captain Mahoney for his work with CPAB. He went on to talk about the upcoming National Night Out on Tuesday, July 31st, and went on to invite the command staff and commissioners to attend.

Mary Harris agreed with Mr. Currier in regards to Captain Mahoney and stated that they are very happy with Captain Mahoney. She went on to talk about recent shootings in the neighborhood and commended the Taraval Neighborhood Team (TNT).

Winnie (through interpreter) expressed her appreciation for the last year and a half for more police around libraries and school yards. She went on to talk about recent homicides and asked to be informed properly.

Mr. Paul Henderson, Mayor's Office, expressed his excitement for meeting in his neighborhood and stated how important it is to have meetings like this one and commended the Commission for having the meeting in the Ingleside District.

Commissioner Mazzucco thanked Mr. Henderson for his behind the scenes work with the Mayor's Office.

Sister Dunn, Daughters of Charity, thanked the Commission and the Chief and members of the Ingleside for their work with the community and keeping the community safe.

Mr. Henry Alvarez, Housing Authority, talked about what the Housing Authority is doing in regards to safety around housing complex and talked about public safety cameras, gun buy-backs, and other public safety strategies.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Kingsley.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 1, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of Certification of Appreciation
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

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3. Pilot Program for Conducted Energy Devices (DISCUSSION AND POSSIBLE ACTION)
Presentation by the Department on proposed pilot program for Conducted Energy Devices (e.g., "Tasers"); discussion and possible action to approve pilot program or take other action

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in closed session, including on whether to assert the attorney-client privilege with regard to Items 6 b, c, & d (San Francisco Administrative Code Section 67.10) (ACTION)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 1, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-003) (DISCUSSION)

b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Fred Broussard vs. CCSF, et al., United States District Court No. CV10-4997, filed 10/4/10
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement (DISCUSSION & POSSIBLE ACTION)

c. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Wilson et al. v. CCSF, United States District Court No. C07-01016, filed May 2007
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement (DISCUSSION & POSSIBLE ACTION)

d. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Brock Rasmussen v. CCSF, et al., San Francisco Superior Court No. CGC-10-495963, filed 1/11/10
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement (DISCUSSION & POSSIBLE ACTION)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 1, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IVF C12-035 (ACTION)

f. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

g. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 1, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

(Commissioner Kingsley arrived at 5:45 p.m. Commissioner DeJesus arrived at 6:00 p.m.)

Chief's Report

- **Presentation of Certificate of Appreciation**

Taken out of order.

Chief Suhr and Captain Gregory Corrales, Park Station, presented a Certificate of Appreciation to 13-year old Isaac Sattler for his help with a burglary incident.

PUBLIC COMMENT

Clyde addressed the Commission in regards to gang violence.

Meesha Monge Irizarry discussed concerns regarding shootings of mentally ill individuals.

Jeremy Miller, Idriss Stelli Foundation, discussed concerns regarding shootings of mentally ill individuals and discussed open government.

Maria Bailey discussed sting operation in the Tenderloin for narcotics and asked for funding for the DARE Program.

Eddie Tsang discussed shooting of Mr. Pralourng.

Seevi Pralourng, Sister of Mr. Pralourng addressed the Commission in regards to her brother's shooting. She stated that the Department should not use her brother's incident for Tasers.

Eddie Miller discussed concerns regarding bicyclist and asked the police to enforce traffic laws on bicyclist.

Sunny Aguilar, Office of Supervisor Jane Kim, read a letter from the supervisor asked the Commission not to take action until there is meaningful public outreach in regards to Tasers.

Victor Lim, Office of Supervisor Eric Mar, discussed the concerns of Supervisor Mar and asked the Commission to have a dialogue with community groups in regards to Tasers.

Paulette Brown discussed shooting of her son and asked for justice for the murder of her son. She went on to show photos of homicide victims.

Tess Walberg spoke in regards to concerns about policing rec and park.

Theo Ellington spoke in regards to homicides in the southeast sector of the city and asked the Commission to work with the community before making their decision.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- **Review of recent activities**

Chief Suhr gave a brief update on recent shootings in the Visitacion Valley neighborhood. The Chief asked the community for assistance in these incidents. The Chief went on to give a brief update on crime statistics.

b. OCC Director's Report

- **Review of recent activities**

M. Ines Fraenkel, for Director Hicks, deferred the OCC's report to next week's meeting.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

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Commissioner Mazzucco reported that the Commission had it's meeting in the Our Lady of Visitacion Church and expressed his support for the Department in helping stop the violence.

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

Inspector Monroe announced that there is no meeting next week.

PUBLIC COMMENT

Unidentified spoke in regards to housing development in the Sunnydale and how housing is so rundown.

Unidentified spoke in regards to addressing the root of the problem and asked for better schools and better opportunities.

Emil Lawrence spoke in regards to unsolved homicide rates.

Paulette Brown spoke in regards to unsolved homicides and asked for help for closure.

Rebecca, Idriss Stelley Foundation, discussed concerns regarding the police and conflict resolution.

Jeremy Miller asked for serious discussion about children.

Darnell Borden, hotel tenant, discussed concerns regarding police dealing with mentally ill individuals.

PILOT PROGRAM FOR CONDUCT ENERGY DEVICES. PRESENTATION BY THE DEPARTMENT ON PROPOSED PILOT PROGRAM FOR CONDUCTED ENERGY DEVICES (E.G., "TASERS"); DISCUSSION AND POSSIBLE ACTION TO APPROVE PILOT PROGRAM OR TAKE OTHER ACTION

Commissioner Chan expressed her objection to having this item heard tonight. Commissioner Chan then explained her reason for her objection. Commissioner Chan then went on to read Resolution No. 11-28, approved on February 23, 2011:

RESOLUTION NO. 11-28

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO DEVELOP A PROPOSAL FOR MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE," AND 10.02, "EQUIPMENT," AND TO INVESTIGATE AND EVALUATE CONDUCTED ENERGY DEVICES AND ALL OTHER LESS LETHAL WEAPONS AND RECOMMEND A PROPOSAL FOR A PILOT DEPLOYMENT PROGRAM

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police, in conjunction with the Office of Citizen Complaints and two members of the Police Commission, to develop a proposal for modifications of Department General Order 5.01, "Use of Force," and Department General Order 10.02, "Equipment," and to investigate and evaluate Conducted Energy Devices and all other less lethal weapons based on independent scientific research and to develop and recommend a proposal for a pilot deployment program with specific proposed policies and guidelines for their use.

Further, to develop these proposals in consultation with communities of color, mental health professionals, LGBT and other key segments of the community and to set forth proposed costs and funding for the proposed plan.

Further, to direct the Chief of Police, Office of Citizen Complaints and two designated members of the Police Commission to report back to the Commission with their findings and recommendations within 90 days.

Also to direct the Chief of Police, Office of Citizen Complaints, and two members of the Commission to review and make recommendations to the Commission on changes to the Police Department's tactical training regarding the use of force within 90 days.

Deployment of a pilot program is subject to prior approval by the Commission.

After reading the resolution into the record, Commissioner Chan entered a motion to remove this item from tonight's agenda. Second by Commissioner Turman.

Commissioner Turman stated that he has not read the 2011 resolution and asked that this item be removed from tonight's agenda.

Commissioner Mazzucco explained that the pilot program being brought forth by the Chief is very limited to officers who have had the mental health CIT training will be involved in the pilot program.

Chief Suhr explained his reasons for putting this item on the agenda and stated that he is not asking for tasers for the entire department but only asking for those officers who have completed CIT training.

Commissioner Kingsley suggested that the presentation be heard tonight with the agreement not to take any action and to schedule the action item for a later time.

Commissioner Turman agreed with Commissioner Kingsley in hearing the presentation and public comment tonight and put the action item over for a later time.

Commissioner Chan modified her motion to remove the action item. Second by Commissioner Turman.

Commissioner Mazzucco asked that this item be heard to hear a discussion as to what is best for the community and for the Department.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

Commander Ali, coordinator Crisis Intervention Training (CIT), presented the Department's proposed pilot program for conducted energy devices.

Clay Rand, Vice President Taser International, spoke for Taser International.

Deputy Chief Tomioka, Chief of Staff, addressed the Commission and asked the Commission to allow the Department to look at a pilot program.

Dr. Zian Tseng, UCSF, presented his Research Update: Cardiac, Physiologic, and Real Work Effects of Taser Use.

Michaela Davis, ACLU, addressed the Commission regarding the ACLU's concerns and recommendations.

PUBLIC COMMENT

Michael Goss opposed the implementation of tasers.

Eduardo Vega stated that NAMI SF does not support implementation of tasers.

Meesha Irizarry opposed tasers.

Tess, SF homeowner, asked the Commission to follow its own resolution.

Glenn, Harvey Milk Democratic Club, discussed concerns about the Department not doing outreach in regards to tasers and expressed opposition to tasers.

Jeremy Miller expressed concerns about facts presented.

Unidentified expressed opposition to tasers.

William Marcus discussed number of deaths with tasers.

Coleen Rebecca, social worker, discussed concerns about implementation of tasers.

Bob, Coalition of Homelessness, discussed concerns about implementation of tasers.

Emile Lawrence discussed salary of police officers and concerns about the city's budget.

David Eliott Lewis discussed concerns about using tasers in a CIT setting.

Serena, registered nurse, discussed dealing with people who were mentally imbalanced without the use of tasers.

Vanna discussed concerns about tasers.

Steve Johnson, POA, discussed officer s involved with critical incidents and asked the Commission to act on this issue.

Commissioner Chan thanked the public for coming out tonight.

Commissioner Mazzucco also thanked the public for their comments and the Chief for bringing this forward. Commissioner Mazzucco appointed Commissioners Chan, Loftus, and Turman to work with the Department, as per Resolution No. 11-28.

Commissioner Mazzucco suggested that a report back to the Commission regarding the Department's investigation, community outreach, and other possible options on the first Wednesdays of every month for three months starting on September 5th.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Turman to hold Closed Session. Approved 7-0.

CLOSED SESSION (9:30 p.m. – 10:30 p.m.)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Chief of Police
Review of findings and chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-003)
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Porter, Captain McEachern, Lieutenant Yick, Inspector McDonald, Inspector Monroe)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Fred Broussard vs. CCSF, et al., United States District Court No. Cv10-4997
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Porter, Captain McEachern, Inspector Monroe) Resolution No. 12-42

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Wilson et al. v. CCSF, United States District Court No. C07-01016
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Porter, Captain McEachern, Inspector Monroe) Resolution No. 12-43

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Brock Rasmussen v. CCSF, et al., San Francisco Superior Court No. CGC-10-495963
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Porter, Captain McEachern, Inspector Monroe) Resolution No. 12-44

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated disposition of disciplinary charges filed in Case No. IVF C12-035
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Blits, Captain McEachern, Inspector Monroe, Attorney Fraenkel, Attorney Stiglich, and member involved)
Resolution No. 12-45

PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Blits, Captain McEachern, Inspector Monroe, Attorney Fraenkel, Attorney Lassart, and member involved)

Put over to August 15, 2012.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus,Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Blits, Captain McEachern, Inspector Monroe)

No discussion

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Loftus for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 7-0

Thereafter, the meeting was adjourned at 10:39 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, August 8, 2012**.
Please join the Commission at its next meeting on

Wednesday, August 15, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

8/12
cancelled

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 2nd Quarter Statistical
      - Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through July 31, 2012 & January 1, 2011 through July 31, 2011 & Report on Adjudication of Sustained Complaints
      - Presentation of the Monthly Comprehensive Statistical Reports for the periods January 1, 2012 through June 30, 2012 and January 1, 2011 through June 30, 2011 & Report on Adjudication of Sustained Complaints
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Hearing on Motions and Disposition of disciplinary charges filed against Inspector Frank Lee (File No. KMO C10-032); possible discussion and action to sustain or not sustain disciplinary charges; possible discussion and action to decide penalty, if necessary (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

The Police Commission

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Commissioner

Inspector John Monroe

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Vote on whether to hold Item 6 in closed session , including on whether to assert the attorney-client privilege with regard to Item 6 d (San Francisco Administrative Code Section 67.10) (ACTION)

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-003) (DISCUSSION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-004) (DISCUSSION)

d. Pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Morgado vs. City and County of San Francisco, et al., San Francisco Superior Court Case No. 12-518287, filed February 16, 2012
Conference with legal counsel regarding existing litigation (DISCUSSION)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Central District at the Gordon J. Lau Elementary School, Helen S. Chin Community Room, at 950 Clay Street, San Francisco, on Wednesday, August 29, 2012, at 6 p.m., to hear comments from the public and Central Station Captain Garrett Tom concerning public protections issues in the Central District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
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SUZY LOFTUS
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Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 2nd Quarter Statistical
      - Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through July 31, 2012 & January 1, 2011 through July 31, 2011 & Report on Adjudication of Sustained Complaints
      - Presentation of the Monthly Comprehensive Statistical Reports for the periods January 1, 2012 through June 30, 2012 and January 1, 2011 through June 30, 2011 & Report on Adjudication of Sustained Complaints
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Hearing on Motions and Disposition of disciplinary charges filed against Inspector Frank Lee (File No. KMO C10-032); possible discussion and action to sustain or not sustain disciplinary charges; possible discussion and action to decide penalty, if necessary (ACTION)

   The Commission may decide to consider item no. 3, in whole or in part, in closed session pursuant to Government Code section 54957, S.F. Administrative Code Section 67.10(b), and Penal Code section 832.7.

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Vote on whether to hold Item 6 in closed session , including on whether to assert the attorney-client privilege with regard to Item 6 d (San Francisco Administrative Code Section 67.10) (ACTION)

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-003) (DISCUSSION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-004) (DISCUSSION)

d. Pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Morgado vs. City and County of San Francisco, et al., San Francisco Superior Court Case No. 12-518287, filed February 16, 2012
Conference with legal counsel regarding existing litigation (DISCUSSION)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

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AUGUST 15, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m.

PRESENT: Commissioners Marshall, Chan, Kingsley, Turman, Loftus,
ABSENT: Commissioners Mazzucco, DeJesus

PUBLIC COMMENT

None

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities

Chief Suhr updated the Commission on recent activities in the Department including National Night Out, visit of the Philippine delegates, closing of the Summer Internship Program, Outside Lands concert, and recent officer-involved shooting. The Chief also talked about recent article in regards to statistical information on arrests. The Chief stated that a presentation will be presented on September 5th.

b. OCC Director's Report
- Review of recent activities
- Presentation of the 2nd Quarter Statistical Report
- Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through July 31, 2012 & January 1, 2011 through July 31, 2011 & Report on Adjudication of Sustained Complaints
- Presentation of the Monthly Comprehensive Statistical Reports for the Periods January 1, 2012 through June 30, 2012 and January 1, 2011 through June 30, 2011 & Report on Adjudication of Sustain Complaints

Director Hicks introduced Amy Young, OCC Intern, from USF.

Director Hicks presented the OCC's Comprehensive Statistical Reports and then went on to present the 2nd Quarter Statistical Report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

No report.

Commissioner Kingsley reported that she went to the Central Station venue for National Night Out.

Commissioner Chan reported that she went to the Taraval Station venue for National Night Out.

Commissioner Chan also reported that she has been receiving calls from the Asian press regarding recent newspaper article regarding arrest statistics.

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

Inspector Monroe announced that on the 29th of August, the Commission will meet in the Central District, Gordon J. Law Elementary School, 950 Clay Street, starting at 6 p.m.

PUBLIC COMMENT

Clyde spoke in regards to newspaper article regarding reporting of Asian and Latino arrests.

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PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

Taken out of order.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

CLOSED SESSION (6:35 p.m. – 8:20 p.m.)

a. **PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties**
(Present: Commissioners Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Captain McEachern, Director Hicks, Inspector Monroe, Risa Tom, Attorney Fraenkel, Attorney Lassart, member involved)

Motion by Commissioner Chan to recuse Commissioner Loftus, second by Commissioner Chan. Approved 4-0.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

Put over for a later date when Commissioner DeJesus is available.

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-003)
(Present: Commissioners Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Commander Tomioka, Captain McEachern, Deputy City Attorney Porter, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Lt. Yick, Sgt. McDonald, Sgt. Kim)

c. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 12-004)
(Present: Commissioners Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Inspector Monroe, Risa Tom, Lt. Yick, Sgt. McDonald, Sgt. Kim)

d. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Morgado vs. City and County of San Francisco, et al., San Francisco Superior Court Case No. 12-518287, filed February 16, 2012
Conference with legal counsel regarding existing litigation
(Present: Commissioners Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Commander Tomioka, Captain McEachern, Director Hicks, Deputy City Attorney Porter, Deputy City Attorney Blits, Attorney Fraenkel, Inspector Monroe, Risa Tom)

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Deputy Chief Cashman, Commander Tomioka, Deputy City Attorney Porter, Inspector Monroe, Risa Tom)

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Loftus for non disclosure. Approved 5-0.

HEARING ON MOTIONS AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR FRANK LEE (FILE NO. KMO C10-032); POSSIBLE DISCUSSION AND ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES; POSSIBLE DISCUSSION AND ACTION TO DECIDE PENALTY, IF NECESSARY

Attorney Alden appeared on behalf of the Department.

Inspector Frank Lee was present and represented himself.

HEARING ON MOTIONS AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR FRANK LEE, STAR NO. 1907 (FILE NO. KMO C10-032)

The hearing of Inspector Frank Lee, Star No. 1907, was called it having been set for this date. I was charged in a properly verified complaint by George Gascón, former Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Repeated Failure to Serve a Search Warrant as Ordered by a Superior (a violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Being Untruthful in the Course of an Investigation (a violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATON NO. 3
Unprofessional Behavior and Neglect of Duty that Reflect Discredit upon the Department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4
Being Untruthful in the Course of an Investigation (a violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 5
Requesting Overtime Compensation of Two Hours for Working less than Five Minutes (a violation of Department General Order 11.01 I.B.4.b of the San Francisco Police Department).

Mr. John Alden, Attorney at Law, appeared on behalf of the Internal Affairs Division and the San Francisco Police Department.

Inspector Frank Lee appeared in person and represented himself.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 12-46

DENIAL OF MOTIONS AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR FRANK LEE, STAR NO. 1907 (FILE NO. KMO C10-032)

WHEREAS, on September 29, 2010, George Gascón, former Chief of Police of the San Francisco Police Department, made and served charges against Inspector Frank Lee, Star No. 1907, as follows:

GENERAL ALLEGATIONS:

(1) At all times herein mentioned Frank Lee, star number 1907, (hereinafter referred to as the "Accused") was a sworn police officer holding the rank of Inspector employed by the San Francisco Police Department (hereinafter referred to as the "Department"), and assigned to the Homicide Division, unless specifically noted otherwise. The Accused is now assigned to Southern Station.

(2) As a member of the Department, the Accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

SPECIFICATION NO. 1

Repeated Failure to Serve a Search Warrant as Ordered by a Superior (a violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

(3) The foregoing paragraphs are all incorporated by reference as though fully set forth herein.

(4) On or about April 17, 2009, the Accused was new to the Homicide Division, and was assigned as Lead Investigator of the murder of Mr. Norris Bennett (the "Bennett Investigation"). This was the first time in his career that the Accused was ever assigned to be the Lead Investigator of a homicide.

(5) In the course of the Bennett Investigation, the Accused determined that Mr. Alex Welsh, a journalism student, might have possessed photographic evidence of the incident. Welsh refused to produce this material to the Accused, arguing that it was the work of a journalist and therefore privileged and confidential. Two Lieutenants in the Homicide Unit felt the best way to obtain this evidence was by search warrant; the Accused disagreed, concluding that Welsh would eventually change his mind and produce the material.

(6) Another Investigator in the Homicide Division prepared a series of search warrants in the Bennett Investigation, including a search warrant for Welsh's photographic evidence. These warrants were signed by a Judge on April 21, 2009. The Accused, however, was reluctant to serve the warrant on Mr. Welsh and therefore held the warrant, rather than serve it.

(7) The Homicide Division routinely holds "roundtable meetings" at which Investigators and their supervisors discuss each other's cases, and make suggestions to each other about next steps in those investigations. Members of affiliated units, like the Crime Lab and the District Attorney's Office, also attend roundtable meetings. The Accused attended such a roundtable meeting on April 24, 2009, at which meeting his work on the Bennett Investigation was discussed among the members of the Homicide Division.

(8) During the April 24, 2009 roundtable meeting, the Accused explained his reluctance to serve the warrant on Welsh. The consensus of those at the meeting was that the warrant should be served despite the Accused's reservations. At the end of the meeting, Lieutenant Stasko, the Accused's commanding officer, ordered him to serve the warrant on Welsh and conduct the search. So did the Homicide Division's Acting Captain Ferrando. The Accused continued to hold the warrant, and did not serve it.

(9) By April 27, 2009, the accused had still not served the warrant. Deputy Chief David Shinn was the Deputy Chief over the Homicide Unit at that time. On April 27, 2009, Chief Shinn directed Lieutenant Stasko and Acting Captain Ferrando to again order the Accused to serve the warrant on Welsh. Acting Captain Ferrando then told the Accused that Chief Shinn had ordered him to serve the warrant immediately.

(10) Later that same day, after receiving Chief Shinn's order, the Accused traveled to Welsh's home, where he was supposed to serve the warrant. The Accused entered Welsh's apartment with two other Inspectors. The Accused made contact with two of Welsh's roommates, and began searching without serving the warrant or notifying the roommates that he was executing the warrant. These acts are in violation of the Penal Code and Department practice, both of which required the Accused to serve a copy of the warrant on the residents upon entry, and to inform them of the fact that he was conducting a search.

(11) Lt. Stasko ordered Inspector Brian Delahunty to supervise the Accused's service of the search warrant, but Inspector Delahunty arrived shortly after the Accused had already entered the residence. When he arrived, the residents asked Delahunty if the police had a warrant, indicating that they had not already been served with the warrant as required.

(12) During the search, the Accused spoke to Welsh and his attorney over the phone, both of who objected to the search and stated that Welsh would move to suppress the evidence gathered based on Welsh's status as a journalist. The Accused was upset by this conversation, complained to Delahunty that he had not wanted to serve the warrant in the first place, and went home.

(13) As the Accused left the scene of the search, he told Delahunty that Lt. Stasko had told him that he was working too much overtime, and therefore needed to stop working. He also claimed that Lt. Stasko and tasked Delahunty with completing the search, writing a report about the search, and booking the evidence seized. Lt. Stasko is adamant that he did not tell the Accused any such thing, and instead had explicitly instructed the Accused to write the report as training tool since this was his first assignment as Lead Investigator. Lt. Stasko states that the only task he told the Accused to give to Delahunty was to provide assistance to the Accused in booking the evidence seized.

(14) In his MCD interview in this matter, the Accused repeated his claim that Lt. Stasko had told him he was working too much overtime, and should go home without writing a report. Lt. Stasko repeated his claim in his MCD interview that the Accused falsely represented the instructions given to him by Lt. Stasko.

(15) The Accused's failure to serve the warrant from April 24 to April 27, his failure to actually physically serve the warrant when he arrived at the scene of the search, and his failure to complete a report regarding the execution of the warrant were all violations of direct orders from his superiors. Failing to obey an order from a superior officer is a violation of Rule 10 of Department General Order 2.01, which state:

"WRITTEN ORDERS. Members shall obey oll written orders, policies ond procedures of the Department, and promptly obey oll lawful written or verbol directives of superiors."

SPECIFICATION NO. 2

Being Untruthful in the Course of an Investigation (a violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

(16) The foregoing paragraphs are all incorporated by reference as though fully set forth herein.

(17) The Accused's statements to Inspector Delahunty that Lt. Stasko told him he was working too much overtime and should go home was false. The Accused then repeated this false statement in his MCD interview. This falsehood was a violation of Rule 21 of Department General Order 2.01, which states:

"COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Deportment by o superior officer or by one designoted by a superior officer, or by o member of the Office of Citizen Complaints, onswer oll questions truthfully ond without evosion. Prior to being questioned, the member sholl be odvised of ond occorded oll his or her rights mondoted by low or Memorandum of Understonding (see DGO 2.08, Peoce Officers Rights)"

SPECIFICATON NO. 3

Unprofessional Behavior and Neglect of Duty that Reflect Discredit upon the Department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(18) The foregoing paragraphs are all incorporated by reference as though fully set forth herein.

(19) All of the Accused's conduct above was unprofessional, particularly for an officer of his rank. Lying to a fellow Inspector about the directions provided by their Lieutenant shows disrespect for the chain of command, a lack of good moral character, and a failure to work collaboratively with others that is inconsistent with the expectations of sworn officers, especially for a member of the Accused's rank and assignment. The Accused's disregard for the instructions of his superior would also reflect poorly on the Department were it known to the public. That disregard also shows a willingness to place personal issues ahead of instructions from the chain of command, which in turn endangers investigations.

(20) All of these constitute neglect of duty and conduct unbecoming which subvert the order, efficiency, and discipline of the Department, and reflect discredit upon the Department. Such misconduct is a violation of Rule 9 of Department General Order 2.01, which states:

"GENERAL RULES OF CONDUCT. Any breoch of peace, neglect of duty, misconduct or any conduct by on officer either within or without the stote that tends to subvert the order, efficiency or discipline of the Deportment or reflects discredit upon the Department or ony member, or is prejudiciol to the efficiency and discipline of the Department, although not specifically defined or set forth in Deportment policies ond procedures, sholl be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 4

Being Untruthful in the Course of an Investigation (a violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

(21) The foregoing paragraphs are all incorporated by reference as though fully set forth herein.

(22) In 2008 and 2009, Lieutenant Spillane was the Commanding Officer of the night watch of the Homicide Detail. For this reason, in 2009 he directly supervised the Accused.

(23) During that time, Lieutenant Spillane recognized that some of the job functions of Inspectors in the unit needed to be completed before the usual starting time of 1600 hours, such as working with the District Attorney's office on rebookings. He therefore maintained a policy that Inspectors who needed to start before 1600 hours could do so, provided that they ended their shift ten (10) hours after their start time. This policy allowed Inspectors to complete all their job functions without incurring overtime on a regular basis. As a result, the unit was able to complete its work in a timely fashion while still capturing a savings in overtime costs for the Department. Lieutenant Spillane explained this policy to those under his command on a regular basis, including the accused.

(24) During this same time, Lieutenant Spillane also allowed Inspectors in the unit to incur overtime if needed for a specific, articulable task. In light of the above policy relating to start times, Lieutenant Spillane ordered that all overtime had to be completed at the end of the shift, not at the beginning. The unit also used the Department's standard overtime cards and overtime justification forms to document and audit overtime claimed.

(25) On October 7, 2009, both Lieutenant Spillane and the Accused were on duty at the Homicide Detail. Lieutenant Spillane asked the accused to explain a set of overtime cards and overtime justification forms he had previously submitted for work he claimed to have performed on September 22 and 23, 2009. These forms both reflected overtime worked at the start of two shifts, specifically, assisting a fellow Inspector with a rebooking in the afternoon, in addition to miscellaneous work on his own cases.

(26) During the October 7, 2009 conversation, Lieutenant Spillane explained to the Accused that overtime could only be taken at the end of the shift, and only if the member could explain what tasks had been completed during that time. Therefore, he instructed the Accused to re-complete the overtime cards and justification forms reflecting what work he did at the end of the shift that would justify overtime.

(27) Subsequently, the Accused re-completed the overtime cards and justification forms. Lieutenant Spillane concluded these forms reflected a very small amount of work compared to the time claimed. He discussed this matter with his Captain, who instructed Lieutenant Spillane to order the Accused to create a more detailed memorandum regarding his overtime claim.

(28) Lieutenant Spillane instructed the Accused to complete that memorandum. He also suggested to the Accused that he may wish to have the advice of a representative in completing that memorandum, as described in Department General Order 2.01, Rule 21. Inspector Delahunty of the Homicide Detail happened to be just outside the office in which Lieutenant Spillane and the Accused had this conversation, and overhead the conversation.

(29) The Accused completed the memorandum on October 8, 2009. That memorandum claimed that Lieutenant Spillane had authorized the Accused to work overtime on September 22 and 23 in advance of the start of those two shifts. The Accused submitted the memorandum to his Captain, bypassing Lieutenant Spillane.

(30) Lieutenant Spillane received the Accused's October 8, 2009, memorandum from his Captain, and reviewed it. He concluded that the memorandum contained the following two falsehoods:

a. The Accused claimed that Lieutenant Spillane authorized his overtime on September 22 and 23 in advance. In reality, Lieutenant Spillane never authorized any overtime for the Accused on those dates, neither in advance of that work nor after.

b. The Accused claimed that when Lieutenant Spillane instructed the Accused to complete the memorandum, the Lieutenant also described ways in which day watch Homicide Inspectors were permitted to improperly shift their work hours to justify otherwise impermissible overtime requests for routine tasks, like court appearances. In reality, Lieutenant Spillane never described such practices, nor did he talk about the day watch Inspectors. In other words, this portion of the conversation simply never occurred.

c. The Accused also claimed that he told Lieutenant Spillane that the above-noted time-shifting activities were a violation of Department policy, after which Lieutenant Spillane threatened him with discipline. In reality, Lieutenant Spillane did not describe any improper time-shifting practices, nor did he threaten discipline or any other kind of retaliation.

(31) When interviewed by the Internal Affairs Division, Inspector Delahunty confirmed that he heard the conversation between the Accused and Lieutenant Spillane which the Accused recounted in the above memorandum. Inspector Delahunty confirmed Lieutenant Spillane's version of the conversation, and concurred that the Accused's memorandum falsified portions of the conversation, as noted above.

(32) Several of the accused's statements in his memorandum of October 8, 2009, describing his conversation with Lieutenant Spillane about justifying his overtime were false, as described above. The Accused then repeated this false statement in his Internal Affairs interview. This falsehood was a violation of Rule 21 of Department General Order 2.01, which states:

"COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers Rights)."

SPECIFICATION NO. 5
Requesting Overtime Compensation of Two Hours for Working less than Five Minutes (a violation of Department General Order 11.01 I.B.4.b of the San Francisco Police Department).

(33) The foregoing paragraphs are all incorporated by reference as though fully set forth herein.

(34) On or about January 2, 2010, the Accused was transferred from the Homicide Detail to Southern Station. On or about January 15, 2010, Sergeant McEachern of the Homicide Detail called the Accused while the Accused was off duty and asked him about a statement from a witness in one of the Accused's former homicide cases. The Accused and Sergeant McEachern both agree that the call lasted less than 5 minutes.

(35) After the above call, the accused submitted an overtime card (SFPD Form 289) claiming two hours of overtime for this short call alone.

(36) Any reasonable officer must know that submitting a two-hour overtime card for a 5-minute call is a violation of DGO 11.01 I.B.4.b, which reads:

"Compensation Requests (SFPD 289) must reflect the actual date and number of overtime hours rounded to the nearest half hour as follows:

- Under 15 minutes = no compensation
- 15-44 minutes = one half hour
- 45-114 minutes = one hour

STATUTE OF LIMITATIONS:

(37) Specifications One through Three of these First Amended Specifications were previously filed and served in a timely fashion, as reflected in the records of the Police Commission.

(38) The false statements underlying Specification Four were first committed on October 8, 2009, when the Accused drafted the memorandum described in that Specification. The falsity of those statements was then discovered and reported by Lieutenant Spillane on October 13, 2009.

(39) The false time card described in Specification Five was submitted by the Accused on February 20, 2010.

PENALTIES:

(40) If the Specifications are sustained after trial by the Police Commission, the penalty Is up to and including termination.

(41) It is, in fact, the intention of the Department to seek termination in this matter.

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on December 19, 2011, December 21, 2011, January 4, 2012, February 6, 2012, February 29, 2012, and on August 15, 2012, the matter was submitted to the Police Commission for decision; and

RESOLVED, that the Police Commission hereby denies the following Motions:

- Inspector Lee's Motion to request 13 investigative interviews conducted by Sgt. Devlin be included as exhibits in this case

- Inspector Lee's Motion to review and correct hearing transcripts. The Commission has received Errata Sheets and was taken into consideration

- Inspector Lee's Motion to Dismiss Specifications for Insufficient Evidence

AYES: Commissioners Chan, Turman, Kingsley, Loftus, Marshall
ABSENT: Commissioners Mazzucco, DeJesus

FURTHER RESOLVED, that the Police Commission finds the following:

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Loftus, Marshall, Kingsley, Turman
NAYS: Commissioner Chan
ABSENT: Commissioners Mazzucco, Dejesus

SPECIFICATION NO. 2 - Not sustained

AYES: Commissioners Loftus, Chan, Marshall, Kingsley, Turman
ABSENT: Commissioners Mazzucco, Dejesus

SPECIFICATION NO. 3 - Not sustained

AYES: Commissioners Loftus, Chan, Marshall, Kingsley, Turman
ABSENT: Commissioners Mazzucco, Dejesus

SPECIFICATION NO. 4 - Not sustained

AYES: Commissioners Loftus, Chan, Marshall, Kingsley, Turman
ABSENT: Commissioners Mazzucco, Dejesus

SPECIFICATION NO. 5 - Sustained

AYES: Commissioners Loftus, Chan, Marshall, Kingsley, Turman
ABSENT: Commissioners Mazzucco, Dejesus

FURTHER RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders that Inspector Frank Lee, Star No. 1970, be suspended for thirty (30) days; and

FURTHER RESOLVED, that said thirty (30) days suspension shall commence immediately, starting on Thursday, August 16, 2012, at 0001 hours, and terminate on Friday, September 14, 2012, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, Section 1094.6.

(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates.)

ADJOURNMENT

Motion by Commissioner Loftus, second by Commissioner Chan. Approved 5-0

Thereafter, the meeting was adjourned at 11:10 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 22, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of Captain David Lazar to accept gifts of a "give away bag," an 8x10 framed photo, and a "Swiss Army knife," from the Business Recovery Managers Association, valued at approximately $30.00
   - Police Commission Report of Disciplinary Actions, 3rd Quarter 2012
   - SFPD/OCC's 2nd Quarter Status Report on General Orders/Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 2nd Quarter 2012 FDRB Findings & Recommendations
      - Presentation of the OIS Investigative Summary
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to appoint Moises Romero as Assistant Patrol Special Officer to Patrol Special Officer Calvin Wiley (ACTION)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 22, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Discussion and possible action to appoint David Randall Cabrera as Assistant Patrol Special Officer to Patrol Special Officer Scott Hart (ACTION)

6. Discussion and possible action to appoint Edward Yim as Assistant Patrol Special Officer to Patrol Special Officer Scott Hart (ACTION)

7. Discussion and possible action to accept, reject or take other action on a stipulated disposition of disciplinary charges filed against Patrol Special Officer Elbert Taylor (File No. ALW C12-034) (ACTION)

8. Public comment on all matters pertaining to Item 10 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 10 in closed session.

9. Vote on whether to hold Item 10 in Closed Session (ACTION)

10. **Closed Session – Disciplinary Cases**
Roll Call;

    a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
    PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. IAD 2011-0110 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

    b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
    PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. JWA C11-194, and to decide penalty, if necessary (ACTION)

    c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
    PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 22, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

11. Vote to elect whether to disclose any or all discussion on Item 10 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

12. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Central District at the Gordon J. Lau Elementary School, Helen S. Chin Community Room, at 950 Clay Street, San Francisco, on Wednesday, August 29, 2012, at 6 p.m., to hear comments from the public and Central Station Captain Garrett Tom concerning public protections issues in the Central District

The Police Commission

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Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 22, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

Commissioner Mazzucco announced that items in regards to appointment of Assistant Patrol Specials be put over and asked the individuals to sign a waiver for the Commission to look at background packets for the candidates for Assistant Patrol Specials.

CONSENT CALENDAR

- **Request of Captain David Lazar to accept gifts of a "give away bag," an 8x10 framed photo, and a "Swiss Army Knife," from the Business Recovery Managers Association, valued at approximately $30.00**

RESOLUTION NO. 12-47

APPROVAL OF THE REQUEST OF CAPTAIN DAVID LAZAR TO ACCEPT GIFTS OF A "GIVE-AWAY BAG," AN 8X10 FRAMED PHOTO, AND A "SWISS ARMY KNIFE," FROM THE BUSINESS RECOVERY MANAGERS ASSOCIATION, VALUED AT APPROXIMATELY $30.00

RESOLVED, that the Police Commission hereby approves the request of Captain David Lazar to accept gifts of a "give-away bag," an 8x10 framed photo, and a "Swiss army knife," from the Business Recovery Managers Association, valued at approximately $30.00.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

- **Police Commission Report of Disciplinary Actions, 3rd Quarter 2012**
- **SFPD/OCC's 2nd Quarter Status Report on General Orders/Policy Proposals**

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT

Donna Park discussed concerns regarding being detained 5150 and allegations about Officer Abramson lying on the police report.

Emile Lawrence discussed concerns regarding live real time data from cameras in taxicabs.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Presentation of the 2nd Quarter 2012 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigative Summary**

Chief Suhr gave a brief update on crime statistics and went on to talk about ethnicity arrest reporting.

Sergeant Crudo presented the OIS Investigation Summary report. There is no 2nd Quarter FDRB Findings and Recommendations as the FDRB did not convene in the second quarter.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks has no recent activities to report.

c. **Commission Reports**

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- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco reported seeing the Marine Unit in action in helping the Coast Guards with the America's Cup race. He went on to talk about the homicide rate

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

Sergeant Jusino announced that on the 29th of August, the Commission will meet in the Central District, Gordon J. Law Elementary School, 950 Clay Street, starting at 6 p.m. Sergeant Jusino also announced that September 5th will be no meeting and back in session on September 12th.

PUBLIC COMMENT

Emile Lawrence talked about items to be discussed and would like to see more special police in the city to help with the budget.

DISCUSSION AND POSSIBLE ACTION TO APPOINT MOISES ROMERO AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER CALVIN WILEY

Taken off calendar

DISCUSSION AND POSSIBLE ACTION TO APPOINT DAVID RANDALL CABERA AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER SCOTT HART

Taken off calendar

DISCUSSION AND POSSIBLE ACTION TO APPOINT EDWARD YIM AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER SCOTT HART

Taken off calendar

DISCUSSION AND POSSIBLE ACTION TO ACCEPT, REJECT OR TAKE OTHER ACTION ON A STIPULATED DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL ELBERT TAYLOR (FILE NO. ALW C12-034)

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Patrol Special Elbert Taylor appeared in person and represented himself.

In accordance to the agreement, Patrol Special Taylor agrees to retire and sell his beat.

Commissioner Mazzucco suggested setting a date to give Mr. Taylor reasonable time to sell his beat. He went on to thank Mr. Taylor for his work with the Patrol Special Program.

Chief Suhr also thanked Mr. Taylor for his service to the city.

PUBLIC COMMENT

None

APPROVAL TO ACCEPT STIPULATED DISPOSITION IN THE MATTER OF PATROL SPECIAL OFFICER ELBERT TAYLOR, STAR NO. 2679 (FILE NO. ALW C12-034)

The hearing of Patrol Special Officer Elbert Taylor, Star No. 2679, was called it having been set for this date. Patrol Special Officer Taylor was charged,

in a properly verified complaint by Chief of Police Gregory P. Suhr in violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Failure to Complete Mandatory Firearms Requalification (a violation of Rules 3.05(A) and 4.03 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 2
Failure to Answer Truthfully When Questioned About His Work Status (a violation of Rules 4.04 and 4.20 of the Interim Rules for Patrol Special Officers and their Assistants).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Patrol Special Officer Elbert Taylor was present and represented himself.

The stipulated agreement states as follows:

> "You were recently served with formal commission charges in San Francisco Police Commission case number C12-036. Those commission charges allege that you failed to qualify at the Range, as required by Rule 3.05(A) of the Interim Rules for Patrol Specials, and as a result of your failure to qualify, you were prohibited from working your beats but continued to do so, despite lawful orders to cease that action. In addition to those allegations, it is further alleged that you failed to answer questions truthfully and without evasion when questioned about this matter. Although you have been a beat owner for several years and wish to continue your employment as a Patrol Special Officer, your failure to qualify at the Range prohibits the Department from allowing you to continue to operate your beats. As such, since April 2010, you have been under direct orders from the Department to cease any operation of your beats.
>
> During a recent status conference regarding your upcoming commission trial, you expressed that your failure to qualify was solely related to a car accident involving your wife and the stress of that painful situation. You requested one last opportunity to demonstrate your ability to handle a firearm. Additionally, you stated that if you fail to meet the minimum passing score, determined by the Range Master, you would retire immediately, effective the ate of the range qualification test, from your employment as a Patrol Special Officer and begin the process of selling all of your betas.
>
> Therefore, per your request, the Department has arranged for you to report to the Range on July 20, 2012 at 1300 hours in order to take the mandatory Range requalification examination. As previously agreed to, your failure to achieve the minimum passing score for the handgun requalification will result in your immediate retirement from the Patrol Specials Program, effective the date of the range qualification test.
>
> Should you successfully complete your mandatory Range requalification, a status conference and or hearing date will be set to address Specification two of ALW C12-034.
>
> Attached to this letter is an acknowledgement form that attests to the fact that you have read the contents of this letter and agree with the

matters stated herein. Please sign and date the acknowledgement form and return the form to the Department. You will not be permitted to take the qualifying test until the Department has received the signed acknowledgement form."

The acknowledgement form was signed by Patrol Special Officer Taylor on July 20, 2012.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 12-48

DECISION – HEARING OF PATROL SPECIAL OFFICER ELBERT TAYLOR, STAR NO. 2679 (FILE NO. ALW C12-034)

WHEREAS, on February 8, 2012, Chief Gregory P. Suhr, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Officer Elbert Taylor, as follows:

GENERAL ALLEGATIONS

(1) At all times herein mentioned Elbert Taylor, Star Number 2679, (hereinafter referred to as the "accused") was and is a Patrol Special Officer. The accused has been a Patrol Special Officer for more than 40 years and owns betas 33, 34, 75, 95, 101, and 105.

(2) A Patrol Special Officer is defined as "A private patrol person, appointed by the Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special Officer is the owner of a beat."

(3) Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco. A Patrol Special Officer is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. (See the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission, December 10, 2008).

(4) Encompassed in those rules is the directive that Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments. (See Rule 3.12(A) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants.)

SPECIFICATION NO. 1
Failure to Complete Mandatory Firearms Requalification (a violation of Rules 3.05(A) and 4.03 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(5) The allegations incorporated in paragraphs (1) through (4) are incorporated by reference as though fully set forth herein.

(6) On or about April 7, 2010, the Accused responded to the Lake Merced Range for this required semi-annual requalification. The course of fire

consists of 48 rounds fired from various distances, strong hand, off hand, hip shooting, and barricade shooting. A score of 36 hits is the minimum passing score.

(7) On his first attempt at 1000 hours, the Accused scored 25 hits, which is 11 hits below the minimum passing score.

(8) The Accused returned to the Range and attempted to pass the course again at 1300 hours. On this attempt, the Accused scored 26 hits, which was 10 lower than the minimum passing score of 36 hits.

(9) At 1500 hours, the Accused returned for third attempt and on this occasion, he changed handguns. Shooting with his revolver, the Accused scored 26 hits. Of those 26 hits, five (5) would have been taken away due to the Accused's failure to follow directions. However, without subtracting the five, the Accused's score of 26 was still 10 short of the minimum required to pass the course.

(10) Range Master Sgt. Carrington stated that the Accused had great difficulty manipulating his weapon in a manner that demonstrated minimal proficiency. According to the Range Master, the Accused's draw, aim, and loading and trigger control abilities were all greatly lacking.

(11) On this date, April 7, 2010, the Accused was informed that he was not authorized to carry a firearm until he demonstrated proficiency successfully at the Range and until he was reinstated by the Patrol Special Officer Liaison at the San Francisco Police Department.

(12) On April 7, 2010, the Accused signed and acknowledged a form attesting to the fact that he was not authorized to carry a pistol or revolver in the performance of his duties associated with his employment as a San Francisco Patrol Special Officer until he had successfully qualified at the Range and upon reinstatement by the SFPD Patrol Special Liaison.

(13) Range Master Sgt. Carrington also verbally advised the Accused that he was not authorized to carry a firearm until his proficiency with the firearm was proven.

(14) On April 7, 2010, Lt. Robert Yick #1264, who was the Patrol Special Liaison at the time, spoke with Range Master Carrington regarding the Accused's failure to qualify during three different attempts at the Range. Range Master Carrington informed him that the Accused had great difficulty manipulating his firearm in a manner that demonstrates minimal proficiency.

(15) On April 12, 2010, at 0930 hours, Lt. Yick spoke with the Accused. At that time, the Accused stated that he was practicing at the Chabot Range in an effort to qualify. Lt. Yick informed the Accused that he was "ineligible to work until further notice." The Accused then requested if he could seek another chance at the Chabot Range. At 1040 hours, Lt. Yick spoke with John Maunder of the Chabot Gun Club and confirmed that the Accused was practicing at the Range. However, Mr. Maunder was hesitant to provide any proficiency documentation regarding the Accused.

(16) On April 20, 2010, Lt. Yick received an email from Sgt. Pollitt, who was present when the Accused was attempting to requalify with Sgt. Carrington. The email stated Sgt. Pollitt would not allow the Accused to

attempt to requalify again because the Accused no longer had the required skills to demonstrate proficiency.

(17) On April 20, 2010 at 1030 hours, Officer Lorie Brophy #1319 informed Lt. Yick that the Accused signed in to work on April 9, 2010, two days after being informed in person and in writing by Range Master Carrington that he could not work due to his failure to qualify at the Range.

(18) On April 20, 2010, Lt. Yick sent the Accused a letter which stated, "You shall not work as a Patrol Special Officer until further notice. Your radio (#717602) will also be turned off until your work status changes." The letter made reference to the Accused failure to qualify after three attempts at the Range on April 7, 2010.

(19) On Tuesday, May 11, 2010, at approximately 2300 hours, Officer Martinez #1208 and Officer Carrasco #1599 observed the Accused, dressed in uniform, patrolling the area w/b on Anza Street at 8th Street. Both officers were aware that the Accused was not authorized to work as a Patrol Special Officer due to his failure to qualify at the Range.

(20) On Thursday, May 13, 2010, at the direction of then Captain Richard Corriea, Lt. Vivian Williams #1429, telephoned the Accused and advised him that he was prohibited from working his assigned Patrol Special beat in the Richmond District until he had the express permission of Captain Corriea to return to work. The Accused spontaneously stated that he had not successfully qualified at the Range. The Accused further acknowledged that he had received the messages regarding his work status and stated that he would not work until he was cleared to do so.

(21) On June 23, 2010, Lt. Yick sent the Accused a letter confirming their April 12, 2010 conversation and the fact that the Accused was now ineligible to work as a Patrol Special Office due to his failure to qualify at the Range. The letter also informed the Accused that he had until July 16, 2010 to secure a letter from an outside Range Master attesting to his proficiency with his firearm.

(22) The accused, by knowingly working as a Patrol Special Officer on April 9, 2010 and May 11, 2010, despite his failure to qualify at the Range and despite having been verbally informed on two separate occasions and once by written letter that he was prohibited from working as a Patrol Special Officer, engaged in conduct which brought discredit upon the Department in violation of Rules 3.05(A) and 4.03 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rules 3.05(A) and 4.03 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, states:

Rule 3.05(A). TRAINING
"Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Costs for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with the rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualification course twice each year on dates set by the Range Master at the San Francisco Police Range."

Rule 4.03. ORDERS OF POLICE OFFICERS
"Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

SPECIFICATION NO. 2
Failure to Answer Truthfully When Questioned About His Work Status (a violation of Rules 4.04 and 4.20 of the Interim Rules for Patrol Special Officers and their Assistants).

(23) The allegations incorporated in paragraphs (1) through (22) are incorporated by reference as though fully set forth herein.

(24) On or about January 12, 2012, Sgt. Hector Jusino #1589 interviewed the Accused by telephone. The Accused stated that he has been a Patrol Special Officer for more than 40 years and own betas 33, 34, 75, 95, 101, and 105. The Accused confirmed that he had signed into Richmond Station and worked after he failed to satisfy his mandatory firearm requalification.

(25) The Accused was asked if he had been informed on April 12, 2010 by Lt. Yick that he was ineligible to work as a Patrol Special Officer. The Accused denied that Lt. Yick had told him he was ineligible to work as of April 12, 2010.

(26) The Accused admitted that he continued to work despite direct orders not to because he had clients that were good to him. He admitted that he has no set hours and works approximately two to three days a week for about 3 to 4 hours. The Accused also admitted that Police personnel would not allow him to sign in at the station having been made aware of his status. The Accused was reminded that he had been deemed ineligible to work due to his failure to qualify at the Range and the Accused responded by saying, "No, I don't know anything about that. I got no gun or nothing. I have no radio which they turned off. I just put on my jacket, work 2 to 3 hours then go home ..."

(27) Sgt. Jusino asked the Accused if Lt. Yick ever informed him that he was ineligible to work as of April 12, 2010 and the Accused replied, "No, No. He never told me I could not work."

(28) On January 26, 2012, the Accused also informed Sgt. Jusino that he does not wear his Patrol Special Officer uniform while working.

(29) The Accused, by failing to answer truthfully during his interview with Sgt. Jusino, and admitting that he worked his beats without his firearm and radio, and worked his beats on occasion while not in uniform, engaged in conduct which reflects discredit upon the Department in violation of Rules 4.04 and 4.20 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Assistant Patrol Special must know that such conduct is cause for discipline and/or revocation of his appointment. Rules 4.04 and 4.20 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, state:

"4.04. INVESTIGATIONS. Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by

lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion."

"4.20. CONDUCT. Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a breach of peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (through such offense are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth."

PENALTIES:

(30) If the Specifications are sustained after trial by the Police Commission, the Department may recommend that the Commission revoke the Accused's appointment.

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A8.343 of the Charter of the City and County of San Francisco on August 22, 2012, where the matter was submitted to the Police Commission for decision; therefore be it

RESOLVED, that based on the stipulated agreement between the parties, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders Patrol Special Officer Elbert Taylor to retire immediately and to arrange the sale of his beats.

FURTHER RESOLVED, that Patrol Special Officer Elbert Taylor shall report back to the Commission in ninety (90) days regarding the status and the sale of his beats.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION (6:30 p.m. – 8:10 p.m.)

a. **PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. IAD 2011-01100to the Chief's level per disposition agreed to by the Chief and the parties**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Deputy City Attorney Blits, Captain McEachern, Inspector Monroe, Sgt. Jusino, Risa Tom, Attorney Alden, Attorney Stiglich, Mr. Steve Johnson, and officer involved) Resolution No. 12-49

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

b. **PUBLIC EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. JWA C11-194, and to decide penalty, if necessary**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Deputy City Attorney Blits, Captain McEachern, Inspector Monroe, Sgt. Jusino, Risa Tom, Attorney Alden, Attorney Stiglich, Mr. Steve Johnson, and member involved)

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Loftus, Turman, Chief Suhr, Deputy City Attorney Blits, Captain McEachern, Inspector Monroe, Sgt. Jusino, Risa Tom)

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Chan to adjourn the meeting in honor of Patrol Special Officer Elbert Taylor. Approved 6-0

Thereafter, the meeting was adjourned at 8:10 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 29, 2012
6:00 p.m.

CENTRAL DISTRICT
Gordon J. Lau Elementary School
Helen S. Chin Community Room
950 Clay Street
San Francisco

SF
P45
#1
8/29/12

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Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

2. Captain Garret Tom, Commanding Officer of Central Station, to address the Commission on Police Activities in the Central District (DISCUSSION)

3. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Deportment or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners ond Police and OCC personnel should refrain, however, from entering Into any debates or discussion with speokers during public comment. Please limit your comments to three (3) minutes.)

4. **Adjournment** (ACTION)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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Inspector John Monroe
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held in the Central District, at Gordon J. Lau Elementary School, Helen S. Chin Community Room, 950 Clay Street, San Francisco. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667.

AUGUST 29, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Central District, Gordon J. Lau Elementary School, 950 Clay Street, San Francisco, at 6:10 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Turman

(Commissioner Marshall arrived at 6:15 p.m.)

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr welcomed the audience and talked about his time in the Central. The Chief reported on recent activities in the department and gave a brief update on crime statistics. The Chief then went on to talk about fraudulent crimes against Asian women.

b. **OCC Director's Report**
- **Review of recent activities**

Mr. Manny Fortes, for Director Hicks, talked about the duties and responsibilities of the Office of Citizen Complaints.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco talked about the America's Cup and commended the Department for how it handled the large crowd.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Inspector Monroe announced that there will be no meeting next week and will return to City Hall on September 12th.

CAPTAIN GARRETT TOM, COMMANDING OFFICER OF CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Tom addressed the Commission on police activities and demographics in the Central District.

PUBLIC COMMENT

Joe Butler, architect, Telegraph Dwellers, spoke in regards to barricades on Broadway between Kearney and Montgomery to keep parking lots open.

Tom Creden, President Scomo's Restaurant, spoke about Officer John Young. He then talked about captains assigned to Central and commended officers on bicycles and how the captains kept an open forum with the community.

April and Josephine spoke in regards to safety for seniors and talked about recent Asian victims of fraudulent scams. She asked for help regarding concerns about gambling in Portsmouth Square. Josephine thanked the Commission, the Chief, Commander Biel, Captain Tom, and all the officers in Central for their work with the seniors and in keeping them safe.

Debbie Chan, Legislative Aide to Supervisor Chiu, commended the Captain and the officers of Central for their work with the community.

Darren Swan, 15-year resident Northbeach, spoke in regards to concerns about party busses and clubs and how it is a constant disrespect to the residents and the community around Broadway area.

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Mickey Jones, Co-chair community advisory board, spoke in regards to homeless problem in Washington Square and public intoxication around the park and how the District Attorney's office does not prosecute the cases of citations issued by the police.

Stephanie Greenberg, Police advisory board, spoke in regards to nuisance in the Broadway corridor and how it is not fair and safe for the residents. She went on to talk about concerns about Broadway party busses and how patrons are dropped off in front of Koi Restaurant . He asked for support from the Chief and the Commission for resources.

Mike Madrid, police advisory board, spoke in regards to violence around the Broadway corridor due to party busses and gun violence due to patrons around the Broadway corridor.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Loftus. Approved 5-0.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

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SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, September 5, 2012**.
Please join the Commission at its next meeting on

Wednesday, September 12, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 12, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Adoption of the Minutes** (ACTION)
   - For the meetings of July 11th and 25th, and August 1st, 15th, and 22, 2012

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Update on the Department's research and community outreach regarding less lethal weapons
      - Presentation on Crime Statistics Reporting and the Crime Data Warehouse
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through August 31, 2012 & January 1, 2011 through August 31, 2011 & Report on Adjudication of Sustained Complaints
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in closed session (ACTION)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 12, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-005) (DISCUSSION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA 011-001 or to take other action regarding charges or proposed Stipulated Disposition (ACTION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Southern District at the South of Market Recreation Center Auditorium, 270 6th Street, San Francisco, on Wednesday, September 26, 2012, at 6 p.m., to hear comments from the public and Southern Station Acting Captain Steven Balma concerning public protections issues in the Southern District

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

September 12, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

Commissioner Mazzucco announced that public comment will be taken out of order and announced that the meeting will be adjourned in honor of CHP Officer Youngstrom and Retired Officer Arthur Fobbs who passed away last week.

(Commissioner Marshall arrived at 5:45 p.m. Commissioner Kingsley arrived at 5:50 p.m.)

ADOPTION OF THE MINUTES

- **For the meetings of July 11th and 25th, and August 1st, 15th, and 22, 2012**

Motion by Commissioner Turman, second by Commissioner Chan. Approved 4-0.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Update on the Department's research and community outreach regarding less lethal weapons**
- **Presentation on Crime Statistics Reporting and the Crime Data Warehouse**

Chief Suhr talked about recent activities in the Department including a new academy class, neighborhood meeting in the South Beach, Avoid the 8 campaign, and 9-11 Memorials around the city. The Chief also gave a brief update on crime statistics.

The Chief then went on to update the Commission regarding the Department's research and community outreach regarding less lethal weapons.

Director Susan Giffen, Technology, presented the Crime Statistics Arrest Reporting and the Crime Data Warehouse presentation.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through August 31, 2012 & January 1, 2011 through August 31, 2011 & Report on Adjudication of Sustained Complaints**

Director Hicks reported on cases opened, closed, and reported on mediation. Director Hicks also reported on adjudication of sustained complaints.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on attending the Police/Fire Mass held last Sunday, September 9th.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Commissioner Turman would like a presentation about the FDRB process and suggested October 24th.

Commissioner Mazzucco asked the appointment of Assistant Patrol Specials be calendared in the near future.

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Inspector Monroe announced that there will be no meeting on September 29th and that the Commission will meet in the Southern District on October 17th, in the South of Market Recreation Center Auditorium, 270 6th Street, starting at 6 p.m.

PUBLIC COMMENT

Ray Hartz, SF Open Government, commented on crime reporting of ethnicity.

Maria Bailey, Tenderloin resident, discussed concerns regarding crime in the Tenderloin and asked that police be tough on crime in the district and suggested an undercover sting operation to get the drug dealers. (document submitted)

Unidentified talked about less-lethal report and how the public is compiling data regarding tasers and requested that their report be presented to the Commission. (document submitted)

Meesha Irizarry talked about arrests of Latinos in the city and how it is under reported and talked about concerns regarding tasers.

Paulette Brown showed a video of homicide victims in San Francisco and how cases are not solved. She went on to show photos of homicide victims.

Rebecca Ruiz, Idriss Stelly Foundation, spoke in regards to actions by officers and giving officers tasers.

Michael, SF Grey Panthers, stated that they are against tasers.

Selena Saji discussed the Department's arrest reporting.

Unidentified spoke in regards to police brutality and the use of tasers.

Nick Pastrelo spoke in regards to tasers and stated that it would be a mistake to issue tasers to officers.

Asia Fuller, SF resident, opposed tasers because tasers are not less lethal weapons, tasers are more lethal and suggested that this subject be dropped immediately.

Michaela Davis, ACLU, spoke in opposition of the tasers and spoke in regards to crime data reporting.

Nina spoke in regards to prostitution and drug deals and asked that prostitution be legalized and spoke in regards to tasers.

Colleen, Homeless Youth Alliance, spoke in regards to research and meeting with the community regarding tasers.

Unidentified stated the community wants the Commission to stop the process in regards to tasers.

Unidentified spoke in regards to CITs and how officers are trained in de-escalation techniques.

PUBLIC COMMENT

Ray Hartz, SF Open Government, spoke in regards to public comment and spoke in regards to the Legal Division's handling of public records requests. (document submitted)

Chief Suhr explained the process taken by the Department in regards to research of less lethal weapons. What will be available to the public are meeting dates, draft policy, and list of vendors.

Meesha Irizarry spoke in regards to the death of CHP Officer Youngstrom.

Paulette Brown spoke in regards to the death of her son and asked for justice for her son.

Asia Fuller spoke in regards to gun violence.

Jeremy Miller, Idriss Stelly Foundation, spoke in regards to CIT officers in San Francisco.

Unidentified asked about records and concerns about black bands covering badges.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

Ray Hartz, SF Open Government, spoke in regards to closed session.

Jeremy Miller spoke in opposition of holding closed session.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (7:55 p.m. - 8:55 p.m.)

a. **PUBLICE EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-005)**

No presentation.

b. **PUBLIC EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. JWA C11-001 or to take other action regarding charges or proposed Stipulated Disposition**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Deputy Chief Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Attorney Alden, Attorney Stiglich, Mr. Steve Johnson, and member involved) Resolution 12-50

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

No discussion

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in honor of Officer Kenyon Youngstrom and retired member Art Fobbs. Second by Commissioner Kingsley. Approved 6-0.

Thereafter, the meeting was adjourned at 8:55 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Update on timeline of OCC Policy Recommendations regarding DGO 5.05, "Response and Pursuit Driving," DGO 5.01, "Use of Force," and DGO 5.20, "Language Access Services for LEP Persons"
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in Closed Session, including whether to assert the attorney-client privilege with regard to Item 5 a (San Francisco Administrative Code Section 67.10 (ACTION)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Acquila Yeargin v. Brando Thompson, et al., S.F. Superior Court No. 501334, filed 7/7/10
Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement (DISCUSSION & POSSIBLE ACTION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to decide penalty on sustained specifications filed in Case No. JWA C11-194/IAD2010-0210, or take other action (ACTION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting next month at a location other than City Hall.

1. The Commission will meet in the Southern District at the South of Market Recreation Center Auditorium, 270 6th Street, San Francisco, on Wednesday, October 17, 2012, at 6 p.m., to hear comments from the public and Southern Station Acting Captain Steven Balma concerning public protections issues in the Southern District

The Police Commission

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R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

SEPTEMBER 19, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus
ABSENT: Commissioner DeJesus

(Commissioner Loftus arrived at 6:15 p.m. Commissioner Marshall arrived at 7:05 p.m.)

PUBLIC COMMENT

Ray Hartz spoke in regards to violation of the Sunshine laws.
Unidentified discussed CIT training and the issue of tasers.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Update on timeline of OCC Policy Recommendations regarding DGO 5.05, "Response and Pursuit Driving," DGO 5.01, "Use of Force," and DGO 5.20, "Language Access Services for LEP Persons"**

Chief Suhr updated the Commission on recent homicide of an 18 year old and the arrest made on this case and also a homicide in the Mission. The Chief also talked about recent Occupy demonstration and recent crime statistics.

Captain McEachern, Risk Management Division, updated the Commission regarding DGOs 5.01, "Use of Force," and 5.05, "Response and Pursuit Driving."

Sergeant Paul Yep presented the update on DGO 5.20 and introduced Officer Eric Chang as the new liaison for Language Access.

Ms. Samara Marion, OCC, spoke in regards to DGOs 5.05, 5.01, and 5.20.

Ms. Beverly Upton spoke in regards to the LEP policy and updated the Commission regarding meetings with the Domestic Violence community and the SFPD.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks had no report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Chan announced the meetings in regards to electronic control weapons.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Commissioner Chan asked that DGOs 5.05 be presented to the Commission on November 7th, and 5.01 be calendared for November 14th.

PUBLIC COMMENT
Ray Hartz spoke in regards to public records access.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

Ray Hartz discussed concerns regarding going into closed session.
Mike, Occupy movement, discussed concerns about the city working with the Occupy movement.

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VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Turman. Approved 5-0.

CLOSED SESSION (6:55 p.m. – 9:25 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL: Existing Litigation**
Acquila Yeargin v. Brando Thompson, et al., SF Superior Court No. 501334
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Captain McEachern, Deputy City Attorney Gibson, Deputy City Attorney Blits, Attorney Alden, Inspector Monroe, Risa Tom) Resolution 12-51

Motion by Commissioner Kingsley, second by Commissioner Loftus. Approved 6-0.

b. **PERSONNEL EXCEPTION: Discussion and possible action to decide penalty on sustained specifications filed in Case No. JWA C11-194/IAD 2010-20210, or take other action**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom, Attorney Alden, Attorney Stiglich, member involved)

(Taken in sharthand farm by Ms. Anna Greenley, CSR., Raamian & Assoc.)

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(Present: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Inspector Monroe, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Kingsley , second by Commissioner Chan. Approved 6-0

Thereafter, the meeting was adjourned at 9:30 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, September 26, 2012**.
Please join the Commission at its next meeting on

Wednesday, October 3, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 3, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Update on the Department's research and community outreach regarding less lethal weapons
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in closed session (ACTION)

5. **Closed Session**
   Roll Call;

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006) (DISCUSSION)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 3, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. IAD 2012-0004, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to decide penalty on a sustained specification filed in Case No. JWA C11-194/IAD2010-0210, or take other action (ACTION)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

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1. The Commission will meet in the Southern District at the South of Market Recreation Center Auditorium, 270 6th Street, San Francisco, on Wednesday, October 17, 2012, at 6 p.m., to hear comments from the public and Southern Station Acting Captain Steven Balma concerning public protections issues in the Southern District

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

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Secretary

NOTICE OF CANCELLATION OF MEETING

SAN FRANCISCO POLICE COMMISSION
CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA

The Police Commission Meeting scheduled for Wednesday, October 3, 2012, has been cancelled. Please join the Commission at its next regular meeting on Wednesday, October 17, 2012, at 6:00 p.m., in the Southern District, South of Market Recreation Center Auditorium, 270 6th Street, San Francisco.

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 10, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Update on the Department's research and community outreach regarding less lethal weapons
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session, including public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in closed session (ACTION)

5. **Closed Session**
   Roll Call;

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006) (DISCUSSION)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 10, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. IAD 2012-0004, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW IAD 2012-613, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. OCC 0650-11, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting next month at a location other than City Hall.

1. The Commission will meet in the Southern District at the South of Market Recreation Center Auditorium, 270 6th Street, San Francisco, on Wednesday, October 17, 2012, at 6 p.m., to hear comments from the public and Southern Station Acting Captain Steven Balma concerning public protections issues in the Southern District

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
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OCTOBER 10, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus
ABSENT: Commissioner Turman

(Commissioner Marshall arrived at 5:40 p.m.)

PUBLIC COMMENT

None

Commissioner Mazzucco commended the Department for their work this past weekend during all the events in the City of San Francisco.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Update on the Department's research and community outreach regarding less lethal weapons**

Deputy Chief Tomioka, for Chief Suhr, reported on recent events that happened during the past week including all the events around the city. She also reported regarding recent Black Block demonstration. She went on to commend the members of the Department for their work this past weekend. Events included Fleet Week, Strictly Bluegrass Concert, Italian Heritage Parade, Giants and 49er games, Castro Street Fair, America's Cup, etc.

Commissioner DeJesus commended the officers for their work this past weekend.

Commissioner Loftus commended the officers for their work this past weekend including the visit of President Obama.

Commander Ali gave a brief update on the Department's research regarding less lethal weapons.

Commissioner Chan gave a brief update as to the format of the upcoming meetings regarding less lethal weapons.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through September 30, 2012 & January 1, 2011 through September 30, 2011 & Report on Adjudication of Sustained Complaints in September 2012**

Director Hicks reported on cases opened, closed, and reported on mediation. Director Hicks also reported on adjudication of sustained complaints. Director Hicks also reported on recent events attended by the OCC.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on attending the recent Retirement Ceremony, on attending the press conference regarding recent officer-involved shooting, and of attending the Italian Heritage Parade.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

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Commissioner Chan asked that the CIT update be scheduled for Nov 7th.

Commissioner Loftus asked the department to report back on outreach in regards to domestic violence in light of the recent reinstatement of Sheriff Mirkirimi

Inspector Monroe also announced that the Commission will meet on Wednesday, October 17th, in the Southern District, starting at 6 p.m., in the South of Market Recreation Center, 270 6th Street.

PUBLIC COMMENT

Emile Lawrence asked about posting the public meetings schedules on Muni buses and newspapers.

Unidentified spoke in regards to the budget.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Loftus. Approved 6-0.

CLOSED SESSION (6:10 p.m. – 6:25 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006)**

Put over as the Chief is not present.

b. **PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. IAD 2012-0004, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Tomioka, Director Hicks, Inspector Monroe, Risa Tom, Attorney Worsham, Mr. Steve Johnson, Attorney Fortes) Resolution No. 12-52

Assigned to Commissioner Marshall

c. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2012-0004 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Tomioka, Director Hicks, Inspector Monroe, Risa Tom, Attorney Worsham, Mr. Steve Johnson, Attorney Fortes) Resolution No. 12-53

Assigned to Commissioner Chan

d. **PUBLIC EXCEPTION: Assignment of disciplinary charges filed in Case No. OCC 650-11 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Tomioka, Director Hicks, Inspector Monroe, Risa Tom, Attorney Worsham, Mr. Steve Johnson, Attorney Fortes) Resolution No. 12-54

Assigned to Commissioner Loftus

e. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

No discussion

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Kingsley , second by Commissioner Chan. Approved 6-0.

Thereafter, the meeting was adjourned at 6:25 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 17, 2012
6:00 p.m.

SOUTHERN DISTRICT
South of Market Recreation Center Auditorium
270 6th Street
San Francisco

Pledge of Allegiance; Roll Call

SF
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#1
10/17/12

1. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

2. A/Captain Steven Balma, Commanding Officer of Southern Station, to address the Commission on Police Activities in the Southern District (DISCUSSION)

3. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's ogenda but thot ore within the subject matter jurisdiction of the Commission. Speakers shall oddress their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners ore required to respond to questions presented by the public but, may provide o brief response. Individual Commissioners ond Police ond OCC personnel should refroin, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Adjournment** (ACTION)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667.

OCTOBER 17, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Southern District, South of Market Recreation Center Auditorium, 270 6th Street, San Francisco, at 6:07 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus
ABSENT: Commissioner Turman

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**

Chief Suhr reported on recent activities in the department including a recent homicide on Mission Street. The Chief also talked about a recent incident during the 49ers game. The Chief talked about the Tenderloin Station receiving the Safe Passage Award for their district. The Chief then gave a brief update on crime statistics.

b. **OCC Director's Report**
- **Review of recent activities**

Mr. R. Manny Fortes, for Director Hicks, addressed the Commission and described the duties and responsibilities of the Office of Citizen Complaints.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco commented regarding the reinstatement of Sheriff Mirkirimi and the City's role in domestic violence cases. The Commission would like a joint meeting with the Commission of the Status of Women as soon as possible to gain confidence back from the community.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

None

A/CAPTAIN STEVEN BALMA, COMMANDING OFFICER OF SOUTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE SOUTHERN DISTRICT

A/Captain Balma addressed the Commission on police activities in the Southern District and went on to talked about crime statistics and the demographic of the Southern District.

PUBLIC COMMENT

Susan Nelson, co-chair Community Police Advisory Board, commended A/Captain Balma and thanked the Captain for his support.

Unidentified spoke in regards to tasers and that it's a torture device used for compliance.

Jeremy Miller, Idriss Stelly Foundation, spoke in regards to tasers and deaths due to tasers.

Meesha Irizarry stated the issue of domestic violence should be discussed outside of the Mirkirimi incident. She went on to talk about tasers and information compiled by the task force.

Rebecca, Idriss Stelly Foundation, spoke in opposition of tasers.

Unidentified thanked the A/Captain for his presentation and suggested having more officers than tasers.

Ray, Southern CPAB member, commended A/Captain Balma for his involvement in communicating with the neighbors in the community and nightclubs.

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Unidentified spoke in opposition of tasers.

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 6-0.

Thereafter, the meeting was adjourned at 8:00 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 24, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 3rd Quarter 2012
   - SFPD/OCC's 3rd Quarter Status Report on General Orders/Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Presentation of Certificates of Appreciation
      - Review of recent activities
      - Presentation of the Document Protocol Report, 1st, 2nd, & 3rd Quarter 2012
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in Closed Session (ACTION)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 24, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006) (DISCUSSION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2011-0158, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension filed in Case No. IAD 2012-0004, and discussion to sustain or not sustain the Chief's Suspension or take other action, if necessary (ACTION)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

OCTOBER 24, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus
ABSENT: Commissioner Turman

(Commissioner Marshall arrived at 5:40 p.m. Commissioner Loftus arrived at 5:45 p.m.)

CONSENT CALENDAR
- **Police Commission Report of Disciplinary Actions, 3rd Quarter 2012**
- **SFPD/OCC's 3rd Quarter Status Report on General Orders/Policy Proposals**

PUBLIC COMMENT
None

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 4-0.

PUBLIC COMMENT

Michael Lyon, SF Gray Panthers, discussed concerns regarding tasers and public meetings being cancelled.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Presentation of Certificates of Appreciation**
- **Review of recent activities**
- **Presentation of the Document Protocol Report, 1st, 2nd, & 3rd Quarter 2012**

Deputy Chief Tomioka, for Chief Suhr, introduced Lt. O'Brien to read the summary of the incident involving heroic actions by citizens.

The Commissioners commended and acknowledged Mr. Ealom and Mr. Turner for their heroic acts.

Deputy Chief Tomioka reported on recent events that happened during the past week including all the events around the city.

Captain Greg McEachern, Risk Management, and Ms. Samara Marion, OCC, presented the Document Protocol Report.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks reported on her attendance of the NACOLE conference in San Diego. She also announced that she was elected to the NACOLE Board which is a term of three years.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco had no report.

Commissioner Marshall announced that he had Mayor Lee on his radio program and thanked the Mayor for coming on his show.

Commissioner Chan congratulated Omega Boys Club on their 25th Anniversary.

Commissioner Chan also addressed the audience in regards to the upcoming community meetings in regards to tasers.

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Commissioner Loftus explained the cancellation of the meetings.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Commissioner Loftus announced the upcoming joint meeting on December 5th with the Commission on the Status of Women.

Public comment

None

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Loftus. Approved 6-0.

CLOSED SESSION (6:30 p.m. – 7:00 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006)**

Put over as the Chief is not present.

b. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2011-0158, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Tomioka, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom, Attorney Alden, Attorney Stiglich for Mr. Steve Johnson) Resolution No. 12-55

Assigned to Commissioner Kingsley

c. **PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension filed in Case No. IAD 2012-0004, and discussion to sustain or not sustain the Chief's Suspension or take other action, if necessary**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy Chief Tomioka, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom, Attorney Alden, Attorney Stiglich, member involved) Resolution No. 12-56

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

e. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

No discussion

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Loftus, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 6-0.

Thereafter, the meeting was adjourned at 7:05 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, October 31, 2012**.
Please join the Commission at its next meeting on

31/12
ncelled

Wednesday, November 7, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of Captain David Lazar to accept gifts of seven (7) Puma Bags, 7 Belts, 7 Lanyards, 7 Water Bottles, and 7 Hats, from Khiron Security, valued at approximately $875.00, for use of the SF Police Activities League Law Enforcement Cadet Program

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Calendar and scheduling of community meetings regarding less lethal weapons
      - Presentation of the 3rd Quarter 2012 FDRB Findings & Recommendations
      - Presentation of the OIS Investigative Summary
      - Update on the timeline regarding DGO 5.05, "Response & Pursuit Driving"
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the Monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through October 31, 2012 & January 1, 2011 through October 31, 2011, Mediation of Complaints in October 2012, & Adjudication of Sustained Complaints in October 2012
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

Closed Session continued:

9. c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2011-0229, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to decide penalty on a sustained specification filed in Case No. JWA C11-194/IAD2010-0210, or take other action (ACTION)

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

10. Vote to elect whether to disclose any or all discussion on Item 9 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

11. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Richmond District at the Roosevelt Middle School, at 460 Arguello Street, San Francisco, on Wednesday, November 28, 2012, at 6 p.m., to hear comments from the public and Richmond Station Captain Sharon Ferrigno concerning public protections issues in the Richmond District

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

4. Discussion and possible action to appoint Moises Romero as Assistant Patrol Special Officer to Patrol Special Officer Calvin Wiley or to take other action regarding request for appointment (ACTION)

5. Discussion and possible action to appoint David Randall Cabrera as Assistant Patrol Special Officer to Patrol Special Officer Scott Hart or to take other action regarding request for appointment (ACTION)

6. Discussion and possible action to appoint Edward Yim as Assistant Patrol Special Officer to Patrol Special Officer Scott Hart or to take other action regarding request for appointment (ACTION)

7. Public comment on all matters pertaining to Item 9 below, Closed Session, including public comment on vote whether to hold Item 9 in closed session.

8. Vote on whether to hold Item 9 in Closed Session, including whether to assert the attorney-client privilege with regard to Item 9 a (San Francisco Administrative Code Section 67.10 (ACTION)

9. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Bryant Vestal v. CCSF, et al., S.F. Superior Court No. CGC-11-507921, filed 2/3/11
   Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action or to take other action regarding recommended settlement (DISCUSSION & POSSIBLE ACTION)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006) (DISCUSSION)

The Police Commission

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Inspector John Monroe
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

NOVEMBER 7, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

CONSENT CALENDAR

- **Request of Captain David Lazar to accept gifts of seven (7) Puma Bags, 7 belts, 7 lanyards, 7 water bottles, and 7 hats, from Khiron Security, valued at approximately $875.00, for use of the SF Police Activities League Law Enforcement Cadet Program**

PUBLIC COMMENT

None

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 7-0.

RESOLUTION NO. 12-57

APPROVAL OF THE REQUEST OF CAPTAIN DAVID LAZAR TO ACCEPT GIFTS OF SEVEN (7) PUMA BAGS, 7 BELTS, 7 LANYARDS, 7 WATER BOTTLES, AND 7 HATS, FROM KHIRON SECURITY, VALUED AT APPROXIMATELY $875.00, FOR USE OF THE SF POLICE ACTIVITIES LEAGUE LAW ENFORCEMENT CADET PROGRAM

RESOLVED, that the Police Commission hereby approves the request of Captain David Lazar to accept gifts of seven (7) Puma bags, 7 belts, 7 lanyards, 7 water bottles, and 7 hats, from Khiron Security, valued at approximately $875.00, for use of the SF Police Activities League Law Enforcement Cadet Program.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

PUBLIC COMMENT

Mike Petrellis discussed concerns regarding the Mission Station and Captain Moser and Officer Limbert at a meeting at Mumsy.

Clyde discussed concerns regarding Officer Limbert and went on to compliment Director Hicks.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**

- **Review of recent activities**
- **Calendar and scheduling of community meetings regarding less lethal weapons**
- **Presentation of the 3rd Quarter 2012 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigative Summary**
- **Update on the timeline regarding DGO 5.05, "Response & Pursuit Driving"**

Chief Suhr gave a brief update regarding a very busy month of October. The Chief also gave a brief update on crime statistics.

Chief Suhr also talked about Drug Court. He went on to give a brief update in regards to DGO 5.05.

Sergeant Crudo presented the FDRB Findings and Recommendations and the OIS Investigative Summary reports.

b. **OCC Director's Report**

- **Review of recent activities**
- **Presentation of the monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through October 31, 2012 & January 1, 2011 through October 31, 2011, Mediation of Complaints in October 2012, & Adjudication of Sustained Complaints in October 2012**

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Director Hicks introduced new OCC Investigator Sara Maunder. Director Hicks then went on to present the report on adjudication of sustained complaints for the month of October.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco spoke in regards to the recent World Series Parade and actions by the police. He also talked about recent graduation of laterals.

Commissioner Mazzucco also talked about the retirement of Deputy Chief Cashman and Officer Kevin Martin of the POA.

Commissioner Kingsley spoke regarding her recent ride-along in the Northern District.

Commissioner Marshall thanked the Chief, Director Hicks, and his fellow commissioners who attended the 25th Anniversary of the Omega Boys Club.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Insp. Monroe announced the meeting in the Richmond on the 28th of November, starting at 6 p.m., at the Roosevelt Middle School, 460 Arguello Street.

Public comment

None

DISCUSSION AND POSSIBLE ACTION TO APPOINT MOISES ROMERO AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER CALVIN WILEY OR TO TAKE OTHER ACTION REGARDING REQUEST FOR APPOINTMENT

Sergeant Jusino, Patrol Special Officers liaison, stated that the backgrounds have been approved and the Department is recommending their appointment.

Commissioner Kingsley requested that this application be put over, second by Commissioner Loftus. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO APPOINT DAVID RANDALL CABRERA AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER SCOTT HART OR TO TAKE OTHER ACTION REGARDING REQUEST FOR APPOINTMENT

Motion by Commissioner DeJesus, second by Commissioner Chan to approve this application. Approved 7-0.

RESOLUTION NO. 12-58

APPROVAL TO APPOINT DAVID RANDALL CABRERA AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER SCOTT HART

RESOLVED, that the Police Commission hereby approves the appointment of David Randall Cabrera as Assistant Patrol Special Officer to Patrol Special Officer Scott Hart.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

DISCUSSION AND POSSIBLE ACTION TO APPOINT EDWARD YIM AS ASSISTANT PATROL SPECIAL OFFICER TO PATROL SPECIAL OFFICER SCOTT HART OR TO TAKE OTHER ACTION REGARDING REQUEST FOR APPOINTMENT

Motion by Commissioner Chan, second by Commissioner Kingsley to put this application over. Approved 7-0.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 7-0.

CLOSED SESSION (6:25 p.m. – 8:25 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Bryant Vestal v. CCSF, et al., S.F. Superior Court No. CGC-11-507921, filed 2/3/11
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Deputy City Attorney Porter, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom)

RESOLUTION NO. 12-59

BRYANT VESTAL v. CCSF ET. AL.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Bryant Vestal v. CCSF, et al.," in San Francisco Superior Court Case No. CGC-11-507921, be, and the same is hereby approved.

Date of Incident: September 3, 2010

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and Chief's decision to return officer to duty following officer-involved shooting (OIS Case No. 12-006)
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Porter, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom, Lt. Yick, Sergeant Crudo, Sgt. Payne, Attorney Alden)

c. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2011-0229, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom, Attorney Alden, Attorney Stiglich) Resolution No. 12-60

Assigned to Commissioner Turman

d. **PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. RMW C08-111 to the Chief's level per disposition agreed to by the Chief and the parties**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom, Director Hicks, Attorney Lassart, Attorney Fraenkel, Investigator Maunder, and member involved) Resolution No. 12-61

Commissioners Mazzucco and Loftus are recused.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

e. **PERSONNEL EXCEPTION: Discussion and possible action to decide penalty on a sustained specification filed in Case No. JWA C11-194/IAD 2010-0210, or take other action**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Captain McEachern, Inspector Monroe, Sergeant Kilshaw, Risa Tom, Attorney Alden, Attorney Stiglich, member involved)

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

No discussion

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Turman for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in honor of Retired Deputy Chief Cashman and Retired Officer Kevin Martin, second by Commissioner Marshall. Approved 7-0.

Thereafter, the meeting was adjourned at 8:20 p.m.

_____
Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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ANGELA CHAN
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CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on
Wednesday, November 14, 2012 & November 21, 2012
Please join the Commission at its next meeting on

Wednesday, November 28, 2012
at 6:00 p.m.
Richmond District
Roosevelt Middle School
460 Arguello Street
San Francisco, CA

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The Police Commission

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SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 28, 2012
6:00 p.m.

RICHMOND DISTRICT
Roosevelt Middle School
460 Arguello Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Adoption of the Minutes** (ACTION)
   - For the meetings of August 29th, September 12th, 19th, October 10th, 17th, 24th, and November 7, 2012

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2. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Presentation of Certificate of Appreciation
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

3. Captain Sharon Ferrigno, Commanding Officer of Richmond Station, to address the Commission on Police Activities in the Richmond District (DISCUSSION)

4. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

5. **Adjournment** (ACTION)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held in the Richmond District, at Roosevelt Middle School, 460 Arguello Street, San Francisco. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667.

NOVEMBER 28, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Richmond District, Roosevelt Middle School, 460 Arguello Street, San Francisco, at 6:10 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley
ABSENT: Commissioners DeJesus, Turman, Loftus

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

ADOPTION OF MINUTES

- For the meetings of August 29th, September 12th, 19th, October 10th, 17th, 24th, and November 7, 2012

Motion by Commissioner Marshall, second by Commissioner Chan to adopt the minutes. Approved 4-0.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Presentation of Certificate of Appreciation**
- **Review of recent activities**

Certificate presentation is put over.

Chief Suhr reported briefly on crime statistics and announced that the Department is currently hiring police officers. The Chief also reported on recent activities around the Department during the past week.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks introduced Sr. Investigator Eric Baltazar and went on to address the Commission and the audience and described the duties and responsibilities of the Office of Citizen Complaints.

Commissioner Mazzucco introduced the legislative aide to Supervisor Mar who thanked the Commission and the Richmond District officers for keeping crimes down in the city.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco announced that the Department is hiring police officers. Commissioner Mazzucco also reported on attending the memorial for Officer Guelff who died in the line of duty.

Commissioner Marshall talked about Youth Apprising from Oakland and stated that Omega Boys Club is participating in a gun buy-back program on December 15th.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Sergeant Kilshaw announced that there will be a joint meeting next week on December 5th, at City Hall, room 250, starting at 5 p.m.

CAPTAIN SHARON FERRIGNO, COMMANDING OFFICER OF SOUTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT

Captain Sharon Ferrigno addressed the Commission on police activities in the Richmond District and went on to talked about crime statistics and the demographic of the Richmond District.

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PUBLIC COMMENT

Vladirmir, 40-year San Francisco resident, spoke in regards to carrying four Olympic Torches. He went on to talk about an officer who he believes to be a racist.

Charlie, Fulton Street resident, spoke in regards to the Outside Lands Concert and concerns about the event. He went on to commend Captain Ferrigno and asked the Chief to keep her at Richmond.

Emil Lawrence discussed concerns about the unsolved murder rate in San Francisco and stated that murderers should not be released because the murders happened so long ago. (documents submitted)

Unidentified, Haight Ashbury resident, discussed an article about Shawn Moffett and how he was thrown out of the Hall of Justice.

Ana, Richmond district resident, would like crime statistics that covers the whole Golden Gate Park.

Paul Fabiano, 9th Avenue resident, commended Captain Ferrigno and spoke about the cost of a permit to close a street to hold a block party and asked why the cost is so high.

Ms. Lynch, 40-year resident of the Richmond District, commended Captain Ferrigno and discussed concerns about traffic and pedestrian safety around Arguello and Geary Boulevard. She went on to discuss concerns about markets around Clement Street blocking the sidewalks with their merchandise and discussed concerns about the lack of enforcement.

Commissioner Mazzucco thanked Captain Ferrigno and the members of the Richmond Station.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 4-0.

Thereafter, the meeting was adjourned at 7:30 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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JOINT MEETING
SAN FRANCISCO POLICE COMMISSION
and THE COMMISSION ON THE STATUS OF WOMEN
WEDNESDAY, DECEMBER 5, 2012
5:00 p.m.

CITY HALL, ROOM 250
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Call to Order/Agenda Changes** (DISCUSSION/ACTION) ***2 min.***
   - Welcome by Commission Presidents Soo and Mazzucco
   - Introductions by Commissioners

   Action: To approve the meeting agenda

2. **Joint Consent Agenda** (DISCUSSION/ACTION) ***5 min.***
   - To support the reauthorization of the federal Violence Against Women Act
   - To recognize the 10-year Anniversary of the Justice & Courage Project on Domestic Violence Policy Reform

3. **San Francisco's Response to Domestic & Family Violence** (DISCUSSION)
   - **2011 Comprehensive Report on Family Violence in San Francisco** ***20 min.***
     Council Chairs will present key findings and recommendations of the 2011 report
   - **Domestic Violence Prosecution Rates** ***20 min.***
     Invited staff of the District Attorney's Office will review challenges and opportunities related to San Francisco's prosecution rates for domestic violence
   - **Update on JUSTIS and the Domestic Violence Query & Reporting Module** ***20 min.***
     The leadership of the JUSTIS Governance Council will present an overview of progress to date
   - **Report from the SFPD Working Group on Language Access** ***20 min.***
     The Working Group will present a summary of activities and findings
   - **San Francisco Police Department Special Victims Unit (SVU)** ***20 min.***
     Chief of Police Gregory P. Suhr: Introduction and Overview
     The Police Department will provide an overview of anti-trafficking, child abuse, domestic violence, and elder abuse enforcement activities

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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JOINT MEETING
SAN FRANCISCO POLICE COMMISSION
and THE COMMISSION ON THE STATUS OF WOMEN
WEDNESDAY, DECEMBER 5, 2012
5:00 p.m.

CITY HALL, ROOM 250
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

4. **Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

5. **Adjournment** (ACTION)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

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SAN FRANCISCO POLICE COMMISSION
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Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

DECEMBER 5, 2012 JOINT MEETING

The Police Commission of the City and County of San Francisco and the Commission on the Status of Women met in Room 250, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:15 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Loftus

Commissioners Soo, Kirshner-Rodriguez, Gamez, Gulbengay, Prowda, Shorter

ABSENT: Commissioner DeJesus

CALL TO ORDER/AGENDA CHANGES
- Welcome by Commission Presidents Soo and Mazzucco
- Introduction by Commissioners

Commissioner Mazzucco welcomed everyone and asked the Commissioners to introduce themselves.

CONSENT CALENDAR
- To support the reauthorization of the federal Violence Against Women Act
- To recognize the 10-year Anniversary of the Justice & Courage Project on Domestic Violence Policy Reform

Commissioner Shorter introduced Beverly Upton, Kathy Black, and Gimel Perkins.

Motion by Commissioner Shorter, second by Commissioner Rodriguez. Approved 12-0.

RESOLUTION NO. 12-62

SAN FRANCISCO COMMISSION ON THE STATUS OF WOMEN AND THE SAN FRANCISCO POLICE COMMISSION RESOLUTION URGING THE U.S. CONGRESS TO PASS THE VIOLENCE AGAINST WOMEN ACT

BE IT KNOWN that the Commission on the Status of Women and the Police Commission of the City and County of San Francisco hereby issue and authorize the execution, by the subscribing Commissioners, of the following resolution:

WHEREAS, the Violence Against Women Act (VAWA), first passed in 1994, is landmark legislation designed to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault, and stalking in the United States; and, for the past 18 years, VAWA has expanded prevention by 1) facilitating coordinated community responses to these crimes between law enforcement and victim services providers, 2) funding specialized training for various levels of law enforcement, and 3) supporting community-based organizations that offer programs for victims; and,

WHEREAS, since the passage of VAWA, the rate of non-fatal intimate partner violence against women has decreased by 53 percent and states have passed more than 600 laws to combat these domestic violence crimes; and, the Department of Justice estimates that the comprehensive and cost-effective VAWA programs accounted for nearly $12.6 billion in next averted social costs in just its first six years; and,

WHEREAS, the Violence Against Women Act reauthorization (S. 1925) extends the law for another four years and adds protection s that would 1) increase the number of visas available to victims of domestic violence who are undocumented immigrants, 2) ban discrimination against gay, lesbian, bisexual and transgender victims of domestic violence, and 3) give more authority to Native American tribes to address domestic violence; and

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WHEREAS, while there were 7,721 domestic violence calls to 911 in San Francisco, and 3,734 domestic violence cases sent to the Police Department during FY11-12, there have been no reported deaths from domestic violence in San Francisco to date this year, an achievement that can be attributed, in part, to the VAWA funding that supports the effective coordinated response strategies and law enforcement agencies and victim services providers in San Francisco;

WHEREAS, Immigration and Custom Enforcement's Secure Communities Program (S-Comm), which was activated in San Francisco in June 2010 and has led to 638 deportations as of August 2012, has resulted in fingerprints being automatically submitted to ICE for a civil immigrant background check at the point of arrest and thereby put domestic violence victims at risk of being held by ICE and deported;

WHEREAS, the San Francisco Congressional delegation including Senators Dianne Feinstein and Barbara Boxer, House Leader Nancy Pelosi, and Representative Jackie Speir has demonstrated exceptional leadership in advancing VAWA, other delegations must join their stalwart efforts for the legislation to gain passage;

NOW THEREFORE BE IT RESOLVED, that the San Francisco Commission on the Status of Women and Police Commission urges the U.S. Congress to pass the Violence Against Women Act by the end of calendar year 2012.

AYES: Commissioners Soo, Rodriguez, Gamez, Gulbengay, Prowda, Shorter
Commissioners Mazzucco, Marshall, Turman, Chan, Kingsley, Loftus
ABSENT: Commissioner DeJesus

RESOLUTION NO. 12-63

SAN FRANCISCO COMMISSION ON THE STATUS OF WOMEN AND THE SAN FRANCISCO POLICE COMMISSION RESOLUTION RECOGNIZING THE 10 YEAR ANNIVERSARY OF THE JUSTICE AND COURAGE PROJECT ON DOMESTIC VIOLENCE POLICY REFORMS

BE IT KNOWN, that the Commission on the Status of Women and the Police Commission of the City and County of San Francisco hereby issue and authorize the execution by the subscribing Commissioners, of the following resolution:

WHEREAS, in October 2000, Claire Joyce Tempongko, a young mother of two, tragically lost her life to domestic violence in a case that exposed critical gaps in San Francisco's response to this lethal crime, but also led to concrete policy reforms that operate to save the lives of countless women today; and, in response to the Tempongko case, the Commission on the Status of Women released the *Justice & Courage Report: A Blueprint for San Francisco's Response to Domestic Violence* which recommended dozens of policy reforms by department; and convened a Justice & Courage Oversight Panel composed of community advocates to oversee implementation of these recommendations; and,

WHEREAS, over the course of the past decade, the Panel has collaborated with leaders from all criminal justice agencies to accomplish the following reforms, among numerous others:

- Eliminate backlog of criminal stay-away orders from Police and Court data systems (2003)
- Supported assignment of a full-time investigator for misdemeanor domestic violence cases at the District Attorney's Office (2003).
- Created new 911 codes for domestic violence, and stalking (2003, 2008).
- Developed domestic violence protocols at the Police Department, Emergency Management Department, and the Sheriff's Department (2005).

- Trained 435 criminal justice personnel in a victim-centered response to domestic violence as part of the "Domestic Violence Response Cross-Training Institute" (2007-2008).

- Supported the development of a bench book for new judges assigned to the Domestic Violence Court (2009).

- Trained 112 first responders to domestic violence in language fluency in Cantonese and Spanish as part of the "Bridges to Freedom Training Program" (2010).

NOW THEREFORE BE IT RESOLVED, that the San Francisco Commission on the Status of Women and Police Commission, on the occasion of the 10 year anniversary of the Justice & Courage Project, hereby recognize all of the Project's participants who have, collectively, contributed to fundamental changes to the criminal justice system to better serve the needs of domestic violence survivors and their families.

AYES: Commissioners Soo, Rodriguez, Gamez, Gulbengay, Prowda, Shorter
Commissioners Mazzucco, Marshall, Turman, Chan, Kingsley, Loftus
ABSENT: Commissioner DeJesus

SAN FRANCISCO'S RESPONSE TO DOMESTIC & FAMILY VIOLENCE

- **2011 Comprehensive Report on Family Violence in San Francisco**

Ms. Beverly Upton addressed the Commissions and thanked the Commissions for having this meeting.

Ms. Kathy Baxter, SF Child Abuse Council, addressed the Commissions and talked about family violence in San Francisco.

Ms. Talitha Guinn, Institute on Aging, addressed the Commissions in regards to elder abuse.

They went on to talk about the 2011 Comprehensive Report on Family Violence in San Francisco.

Ms. Baxter talked about child abuse cases and tracking of child abusers. She went on to commend Paul Henderson for his work with the Child Abuse Intervention Program.

Ms. Upton went on to talk about findings in domestic violence.

Ms. Guinn talked about findings in elder abuse.

They went on to talk about the council's recommendations:

- Expand data collection
- Conduct joint trainings for 911 dispatchers
- Develop a family violence factsheet
- Develop a joint outreach campaign
- Continue support of a multidisciplinary response to family violence
- Create a victim/survivor program
- Provide counseling to youth

- **Domestic Violence Prosecution Rates**

Christina Berry, District Attorney's Office talked about what the district attorney's office is doing in regards to domestic violence. She went on to talk about the responsibilities and duties of the unit. One of the concerns is staffing and a need for dedicated support staff.

Jean Rowland, District Attorney's Office, talk about victim-attorney trust and the resources needed to continue to prosecute DV cases.

- **Update on JUSTIS and the Domestic Violence Query & Reporting Module**

Ms. Linda Young, City Administrator, presented the report on the JUSTIS Program and Project. JUSTIS is designed to replace the old CABLE system.

- **Report from the SFPD Working Group on Language Access**

Samara Marion, OCC, talked about the Language Access Program as it relates to domestic violence.

Deputy Chief Mike Biel spoke in regards to language access and introduced Officer Eric Chiang who is the liaison officer to language access.

Lisa Hoff, DEM, spoke in regards to the current 911 system upgrade.

Arti spoke in regards to language access as a safety issue and recommended that language lines should have training is cultural competency.

- **San Francisco Police Department Special Victims Unit (SVU)**

Chief Suhr addressed the Commissions and spoke in regards to the Special Victims Unit. The Chief then went on to introduce Captain Denise Flaherty, commanding officer of the Special Victims Unit.

Captain Flaherty then went on to talk about the Special Victims Unit and how it came to be.

PUBLIC COMMENT

None

ADJOURNMENT

Commissioner Mazzucco thanked everyone for having this meeting and went on to say that this City and this County takes domestic violence very seriously.

Commissioner Soo thanked the Commission for having this meeting and thanked the Department for their work with the individual communities and organizations.

Commissioner Gulbengay asked that the meeting be adjourned in memory of her mother-in-law who is also the mother of a police officer.

Commissioner Soo expressed her condolences to the family of Mike Nevin.

Commissioner Mazzucco asked that the meeting also adjourned in memory of Inspector Nevin, Officers Cahill, Welsh, and Westbrook.

Motion by Commissioner Chan, second by Commissioner Shorter. Approved 12-0.

Thereafter, the meeting was adjourned at 8:30 p.m.

_____

Inspector John Monroe
Secretary
San Francisco Police Commission

1345/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, December 12, 2012.**
Please join the Commission at its next meeting on

Wednesday, December 19, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of Officer Mike Mitchell to accept gifts of a ball cap and hooded sweatshirt, from the San Francisco SPCA, for his assistance with the recovery of a stolen dog

12/19/12

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the OCC's 3rd Quarter Statistical Report
      - Presentation of the OCC's Monthly Comprehensive Statistical Report and companion reports for the periods January 1, 2012 through November 30, 2012 and January 1, 2011 through November 30, 2011
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to retroactively accept and expend a grant in the amount of $200,000 from the California Emergency Management Agency (CalEMA) for the Anti-Human Trafficking Task Force (HF) Program (ACTION)

5. Public comment on all matters pertaining to Item 7 below, Closed Session, including public comment on vote whether to hold Item 7 in closed session.

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Vote on whether to hold Item 7 in closed session (ACTION)

7. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Jason Kirchner v. City and County of San Francisco, et al., SF Superior Court CPF-11-511088, filed 12/14/2011 (DISCUSSION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW IAD 2012-0629, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2012-0662, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IAD 2011-0158 or to take other action regarding charges or proposed Stipulated Disposition (ACTION)

e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension filed in Case No. ALW D11-240/IAD 2010-268, and discussion to sustain or not sustain the Chief's Suspension or take other action, if necessary (ACTION)

The Police Commission

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Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2012
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

f. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Hearing on disciplinary charges and discussion to sustain or not sustain disciplinary charges filed in Case No. ALW C10-259, and to decide penalty or take other action, if necessary (ACTION)

g. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

9. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

DECEMBER 19, 2012 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

(Commissioners Loftus and Marshall arrived at 5:40 p.m. Commissioner Turman was excused at 8:15 p.m.)

CONSENT CALENDAR

- Request of Officer Mike Mitchell to accept gifts of a ball cap and hooded sweatshirt, from the San Francisco SPCA, for his assistance with the recovery of a stolen dog

PUBLIC COMMENT

None

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 7-0.

RESOLUTION NO. 12-65

APPROVAL OF THE REQUEST OF OFFICER MIKE MITCHELL TO ACCEPT GIFTS OF A BALL CAP AND HOODED SWEATSHIRT, FROM THE SAN FRANCISCO SPCA, FOR HIS ASSISTANCE WITH THE RECOVERY OF A STOLEN DOG

RESOLVED, that the Police Commission hereby approves the request of Officer Mike Mitchell to accept gifts of a ball cap and hooded sweatshirt, from the San Francisco SPCA, for his assistance with the recovery of a stolen dog.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

PUBLIC COMMENT

Jakkee Bryson spoke in regards to problems with PG&E and problems with the Department of Building Inspections regarding inadequate lighting and commended Lt. Mark Solomon.

Robert Davis, Bayview Station, spoke in regards to Captain O'Sullivan and further spoke in regards to the 1400 block of Mendel and the calls of service from that block. He stated that he would like city services that does not involve the police but service that will take care of other issues like urination on the sidewalk et cetera. (documents submitted)

Vladimir spoke in regards to actions by an officer towards him.

Marty Halloran, POA Vice President, announced the retirement of Kevin Martin and Steve Johnson. He went on to acknowledge Officer Martin and Mr. Steve Johnson. (letters handed for Commissioners).

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- Review of recent activities

Chief Suhr gave a brief update regarding crime statistics and spoke in regards to discrepancies in crime stats in regards to domestic violence but the problem has been corrected. The Chief also spoke about the tragedy in Newtown, Connecticut, and went on to commend the teachers and the officers. The Chief also stated that the Active shooting training will be restarted at the Academy.

The Chief talked about the press conference where two officers saved a newborn infant, the gun buy-back program on Saturday, promotions made, and the toy giveaway program.

b. OCC Director's Report

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- Review of recent activities
- Presentation of the OCC's 3rd Quarter Statistical Report
- Presentation of the monthly Comprehensive Statistical Reports & Companion Reports for the periods January 1, 2012 through November 30, 2012 & January 1, 2011 through November 30, 2011

Ms. Ines Fraenkel, for Director Hicks, stated no report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Kingsley reported that she reviewed the DGO 8.10 report and that she had signed off on it.

Commissioner Loftus spoke in regards to the Bayview Officers saving the life of a newborn infant .

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

Commissioner Turman announced meetings in regards to less lethal weapon and stated the meetings will be on Jan. 22nd, Hamilton Recreation Center; Feb. 4th, Scottish Rite Center; and, Feb. 11th, Bayview Opera House.

Commissioner Kingsley spoke in regards to the incident in Newtown, Connecticut, and suggested that this Commission focus on gun violence in San Francisco.

Commissioner Mazzucco would like a presentation in regards to gun violence and stated that this meeting will be closed in honor of the victims to gun violence.

Commissioner Chan talked about gun violence legislation reform.

PUBLIC COMMENT

Robert Davis suggested having more gun buy-back and increasing the money for getting the guns back.

Chief Suhr stated that anybody can turn in a gun at any district station.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A GRN IN THE AMOUNT OF $200,000 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CalMA) FOR THE ANTI-HUMAN TRAFFICKING TASK FORCE (HF) PROGRAM

Lieutenant Jean presented the grant for the Anti-Human Trafficking Task Force Program. Inspector Flores also addressed the Commission in regards to the Human Trafficking Unit.

PUBLI C COMMENT
None

Motion by Commissioner Turman, second by Commissioner Loftus.
Approved 7-0.

RESOLUTION NO. 12-66

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF $200,000 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CalEMA) FOR THE ANTI-HUMAN TRAFFICKING TASK FORCE (HF) PROGRAM

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend a grant in the amount of $200,000 from the California Emergency Management Agency (CalEMA) for the Anti-Human Trafficking Task Force (HF) Program.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 7-0.

CLOSED SESSION (6:40 p.m. – 9:45 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Jason Kirchner v. City and County of San Francisco, et al., SF Superior Court CPF-11-511088, filed 12/14/2011
(Present: Commissioners Marshall, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Porter, Deputy City Attorney Snograss, Deputy City Attorney Blits, Deputy City Attorney Chief Suhr, Inspector Monroe, Risa Tom)

b. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW IAD 2012-0629, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Blits, Deputy City Attorney Porter, Chief Suhr, Inspector Monroe, Risa Tom, Attorney Worsham, member involved)
Resolution No. 12-67

c. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. IAD 2012-0662, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Porter, Deputy City Attorney Blits, Chief Suhr, Inspector Monroe, Risa Tom, Attorney Alden, Attorney Sullivan, and officer involved) Resolution No. 12-68

d. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IAD 2011-0158 or to take other action regarding charges or proposed Stipulated Disposition**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Loftus, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Inspector Monroe, Risa Tom, Attorney Burrell, and member involved) Resolution 12-69

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

e. **PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension filed in Case No. ALW D11-240/IAD 2010-268, and discussion to sustain or not sustain the Chief's Suspension or take other action, if necessary**
(Present: Commissioners Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Inspector Monroe, Risa Tom, Attorney Worsham, Attorney Stern, member involved) Resolution 12-70

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

f. **PERSONNEL EXCEPTION: Hearing on disciplinary charges and discussion to sustain or not sustain disciplinary charges filed in Case No. ALW C10-259, and to decide penalty or take other action, if necessary**
(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Loftus, Deputy City Attorney Blits, Chief Suhr, Deputy Chief Biel, Inspector Monroe,

Risa Tom, Attorney Worsham, Attorney Prather, member involved & member's brother) Resolution 12-64

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

g. **PERSONNEL EXCEPTION:** Status and calendaring of pending disciplinary cases

No discussion

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSED ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 6-0.

Inspector Monroe announced that the Commission will not meet on January 2nd and the next meeting will be January 9th, 23rd, and 30th.

ADJOURNMENT

Commissioner Kingsley announced that this meeting will be closed with a few moments to remember the victims of gun violence in Newtown, Connecticut, and to remember the 45 people in the City of San Francisco who died from gun violence in the year 2012. (Moment of silence was observed.)

Motion by Commissioner Marshall second by Commissioner Chan. Approved 6-0.

Thereafter, the meeting was adjourned at 9:55 p.m.

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Inspector John Monroe
Secretary
San Francisco Police Commission

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The Police Commission

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L. JULIUS TURMAN
Commissioner

SUZY LOFTUS
Commissioner

Inspector John Monroe
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on
Wednesdays, December 26, 2012 and January 2, 2013.

Please join the Commission at its next meeting on

Wednesday, January 9, 2013
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

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